



#### **BOUNDARY MAP**

This map should be an accurate map of the property described in the deed or lease where the project will occur. Please include the following on the map:

1. All boundaries, adjacent streets and prominent landmarks.
2. All matters of record pertaining to the property (interests such as easements, leases, etc.)
3. Dimensions for each boundary line, or scale, if map is to scale.
4. North arrow
5. Project Participant name and project title.
6. Printed name, title and signature of the appropriate project Participant official and the date.  
This certifies that the boundary map is accurate.



#### **EVIDENCE OF BONDING INSURANCE**

If you intend to request an advance of funds (up to 1/3 of contract amount) for your project, please submit documentation showing that all employees or agents of the Participant who are responsible for maintaining or disbursing advanced funds through this SB 310 project will be fully bonded or insured against loss of such funds. The bonding agent or insurer must be licensed to do business in Ohio.

**TIMELINE FOR PROJECT COMPLETION**

Using the table below, please graph the anticipated timeline for your development project.

Capital Improvement Community Recreation Project Timeline																								
	2016						2017						2018											
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Planning																								
Design/Eng																								
Bidding																								
Construction																								
Completion																								

**COST ESTIMATE FOR DEVELOPMENT PROJECTS**

In the description column, give a brief description of each project contract or major purchase. In the quantity column, show the number of each item. Show the total cost of each contract or major purchase in the Total Cost column. An estimate of project costs prepared by a professional Engineer, Architect or Landscape Architect may be submitted in lieu of this form.

Eligible Cost	Description	Quantity	Unit Cost	Total Cost
Design & Engineering				
Special Service Contracts				
Construction Contracts				
Purchase of Materials*				
Other:				
			<b>TOTAL COSTS:</b>	

\* Materials with a unit cost of less than \$100 each are not eligible.  
 Note: Overhead, profit, and/or miscellaneous expenditures are not eligible.

☐**COST ESTIMATE FOR ACQUISITION PROJECTS**

List the property to be acquired by parcel number.

Parcel Number	Acreage	Estimated FMV of Parcel	Estimated Value of Existing Non Recreation Property Improvements (if applicable)*	Total Estimated Eligible Purchase Price
		\$	Deduct: \$	= \$
		\$	Deduct: \$	= \$
		\$	Deduct: \$	= \$
		\$	Deduct: \$	= \$
		\$	Deduct: \$	= \$
		\$	Deduct: \$	= \$
			<b>TOTAL:</b>	\$

\* For example: A building on the property that will not have a Community Recreation Project use.

**Additional Estimated Acquisition Costs**

Description	Quantity	Unit Cost	Total Cost
Appraisal			
Survey			
Title			
Other:			
		<b>Total:</b>	

**Total of all Acquisition Costs: \$** \_\_\_\_\_

☐**AGENCY/ORGANIZATION AGREEMENTS**

An Agency/Organization agreement between a local government entity and a nonpublic (ex. nonprofit) organization may be needed for purposes of the project.

Option One: IF AN AGENCY/ORGANIZATION AGREEMENT EXISTS

1. If an Agency/Organization agreement exists, please submit a copy of the agreement. The agreement should describe any allocated responsibilities for completing the project.

Option Two: AN AGENCY/ORGANIZATION AGREEMENT DOES NOT EXIST

If no Agency/Organization agreement exists, please initial here: \_\_\_\_\_

Participant: \_\_\_\_\_

Project Title: \_\_\_\_\_

---

If any future agency/organization agreements are anticipated, please explain:



## Environmental Review of Capital Improvement Community Recreation Project

Project: \_\_\_\_\_

Explain all 'yes' and 'to be determined' answers on a separate sheet. In such cases clarify how each resource will or could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also explain any planned mitigation, if applicable. For purposes of this Environmental Review, the terms *impact* and *effect* generally mean **negative or adverse**.

Does the proposed Community Recreation Project...	Yes	No	To be determined
1. Have significant impacts on public health or safety?			
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O. 11988); and other ecologically significant or critical areas?			
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?			
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places? Attach Ohio Historic Preservation Office comments, if applicable.			
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?			
9. Violate a federal law, state or local law or requirement imposed for the protection of the environment?			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?			
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?			

**The following individual(s) provided input in the completion of this environmental screening form.**  
*List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal for any possible future review.*

1.	
2.	
3.	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Project Participant: \_\_\_\_\_



# STATE OF OHIO CIVIL RIGHTS COMPLIANCE

As the authorized representative of the Grantee, I certify that the Grantee agrees that it will comply with all federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 200d-1) which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in , be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Grantee. THE GRANTEE HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

**NOTE:** This ASSURANCE shall apply to all aspects of the grantee's operations including those parts that have not received or benefited from any other financial assistance.

Please sign below to indicate that the form has been read and understood by the grantee.

Participant: \_\_\_\_\_

Project Title: \_\_\_\_\_

## SECTION TWO

### GENERAL PROJECT INFORMATION

The Ohio Department of Natural Resources (the "Department") has been designated by the Governor as the state agency responsible for administration and coordination of Fund 7031 and 7035 Community Recreation Projects. Within the Department, program responsibilities have been assigned to the Office of Real Estate and Land Management. The ODNR contacts for processing your Capital Improvement Community Recreation Project are listed below. After reviewing this guide, please feel free to call or email if you have questions.

Mary Fitch  
[mary.fitch@dnr.state.oh.us](mailto:mary.fitch@dnr.state.oh.us)  
phone: 614-265-6477  
Ohio Department of Natural Resources  
Office of Real Estate and Land Management  
2045 Morse Road, E2  
Columbus, Ohio 43229-6693

Tim Robinson  
[Timothy.Robinson@dnr.state.oh.us](mailto:Timothy.Robinson@dnr.state.oh.us)  
phone: 614-265-6528  
Ohio Department of Natural Resources  
Office of Real Estate and Land Management  
2045 Morse Road, E2  
Columbus, Ohio 43229-6693

### RESPONSIBILITY FOR PROJECT

Under project agreement terms, the Department delegates to you (the "Participant") certain responsibilities for project completion, record retention and operation.

The Participant is legally responsible to complete the project, follow guidelines and rules as established by the State, comply with the terms of the project agreement, the provisions of this guide and all relevant laws, rules and regulations. The Department may issue instructions, interpretations or additional guidelines as necessary for effective program performance. Project assistance may be terminated in whole or in part at any time before or within the project period if the Department determines that the Participant has failed to comply with the project agreement. The Participant will be promptly notified in writing of such findings and given reasons for this action.

### SATISFACTORY PROGRESS

The Participant is responsible to ensure that the project is carried through with reasonable promptness to a stage of completion acceptable to the Department. Construction projects should be completed within 18 months of contract execution. Non construction projects, i.e. land acquisition, should be completed within 12 months of contract execution.

### SITE INSPECTIONS

Site visits may be made at any time by the Department to ensure that work is progressing in accordance with the project as approved. After project completion, unannounced inspections may be made to ensure that the project is being used solely for public recreation.

### CHANGES IN AN APPROVED PROJECT SCOPE

The Participant may not deviate from the scope of an approved project without the concurrence of the Department. **All changes in scope must remain true to the authorizing legislation's project description.** Requests for changes in project scope must be made in writing to the Department and must contain a detailed explanation. The request should include purpose and need for the change, appropriate maps, cost estimates, etc., to accurately describe the proposed change.

**ADVANCES**

The Participant may request **one** initial advance of funds, not to exceed one-third of the contract amount for the Community Recreation Project. The advance must be expended within 45 days of receipt. To request an advance, send a completed ADVANCE OF FUNDS REQUEST (see page 20) to the ODNR contact listed on page two. Copies of paid invoices and proof of payment along with a Performance Report must be submitted to ODNR within 45 days of receipt of advance.

**RESPONSIBILITY DURING THE COMPLIANCE PERIOD**

Projects must be retained for public use and be maintained and operated in a manner consistent with original project purpose for 15 years after date of project closeout. This is the COMPLIANCE PERIOD. Restrictions during the COMPLIANCE PERIOD vary according to source of funds, Fund 7035 or 7031, but do include the following:

- The property shall be used for the intended purpose; private uses are prohibited.
- The property shall be attractive and inviting to the public; structures and improvements shall be maintained.
- Staffing and servicing of facilities shall be adequate to assure public use and enjoyment of the area.
- Funded property shall not be converted in use or title during the COMPLIANCE PERIOD without the written approval of the Director of the Ohio Department of Natural Resources.
- Discrimination on the basis of residence, including preferential reservation or membership residence, including preferential reservation or membership systems and annual permit systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.
- The Participant shall retain all Capital Improvement Community Recreation Project records for the duration of the COMPLIANCE PERIOD plus 3 calendar years.
- Audit Requirements. The Participant is responsible for being familiar with the Single Audit Act of 1984 and its requirements. Under these requirements, audited agencies must submit a copy of any single audit report to the Department.



## **GUIDELINES FOR PLANNING & CONSTRUCTING DEVELOPMENT PROJECTS**

The Participant must fully comply with all applicable federal, state & local laws when entering into contractual agreements, procuring & performing all obligations for the Capital Improvement Community Recreation Project. Please review Certificate of Authority, page 32.

### **PLANS AND SPECIFICATIONS**

#### Construction Projects

As soon as available, provide one copy of the plan drawings and any associated specifications to ODNR. Plans/specifications must be stamped and signed by a professional engineer, architect or landscape architect as appropriate to the project.

#### Purchase of Items (e.g. playgrounds, pre-fabricated shelters, etc.) Not Competitively Bid

As soon as available, provide one copy of the plan drawings and any associated specifications to ODNR.

#### Accessibility

When planning and constructing a development project the applicant must follow the latest accessibility guidelines under the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA). <http://www.access-board.gov/>

### **PERMITS**

All permits needed for the completion of the project must be secured by the local agency. This may include one or more of the following permits as well as others.

#### U. S. Army Corps of Engineers, Section 404/Section 10 Permits

Any project involving construction or fill activities adjacent to or within the waters of Lake Erie, as well as any alterations to wetland areas, may require the approval of the U. S. Army Corps of Engineers. Included in this requirement are such activities as construction of piers, boathouses, and catwalks.

#### Ohio Environmental Protection Agency, Water Quality Certification

As required by Section 401 of the Clean Water Act, the Ohio Environmental Act, the Ohio Environmental Protection agency must certify that any in-water deposition of dredged or fill material meets Ohio water quality standards.

#### Ohio Department of Natural Resources, Submerged Land Lease

The State of Ohio owns the lands submerged under the waters of Lake Erie and Sandusky Bay within the state boundaries. Before any construction or improvements can occur on submerged lands, a lease must be obtained from the Ohio Department of Natural Resources, Office of Coastal Management located in Sandusky, OH.

#### Ohio Department of Natural Resources/Shore Erosion Protection Permit

A permit must be obtained from the Ohio Department of Natural Resources, Office of Coastal Management located in Sandusky, OH prior to the construction or installation of any erosion protection structure on or along the shoreline of Lake Erie in Ohio.

### **BIDDING AND CONTRACTS**

Bid documents designed to be so restrictive to exclude open competitive bidding and bid documents that do not allow for "or equal" provisions, may not be acceptable. Plans must reflect the intent of the Capital Improvement Community Recreation Project as described in the authorizing legislation. Once

approved by the Department, plans and specifications should not be substantially modified. The Department must be notified of any planned substantial changes, and only approved changes will be eligible for reimbursement.

#### Contract Selection Procedures

All procurement transactions, regardless of whether by sealed bid or by negotiation or without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition.

Contract awards shall be made only to responsible contractors that have the ability to perform successfully under the terms and conditions of the proposed contract. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial/technical resources.

The Participant must inform bidders that State of Ohio Fund 7031 or 7035 monies are being used to assist construction and that relevant state requirements will apply. This information must be included in bid invitations and notices released prior to the issuance of the bid invitations.

The Participant is responsible for determining if state prevailing wage rates apply. If State prevailing wage rates apply, the state prevailing wage rates must be part of the specifications. Prevailing wage rate thresholds are available from the Ohio Department of Commerce, Wage & Hour Bureau. Additional information: <http://198.234.41.198/w3/webwh.nsf?Opendatabase>, (614) 644-2239, 77 South High Street, 22nd Floor, Columbus, Ohio 43215.

Be sure to retain your records for all purchases and/or contracts that are purchased through competitive bidding, including the bid tabulation, low bid proposal and signed contract.

#### Bonding and Insurance

Except for situations described below, bonding and insurance requirements, including fidelity bonds, over and above those normally required by the Department or Participant, shall not be imposed.

The Participant shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds, except for contracts exceeding \$100,000. For contracts exceeding \$100,000, all of the following requirements must be met:

- a. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a commitment, such as bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute his contract as required within the time specified.
- b. A performance bond on the part of the contractor for 100% of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.
- c. A payment bond on the part of the contractor for 100% of the contract price. A "payment bond" is one executed in connection with a contract to assure payment to all persons supplying labor and material in the execution of the work provided for in the contract.

Contract Provisions

The Participant shall include the following provisions in all contracts:

- a. Contractual conditions that allow for administrative or legal remedies in instances where contractors violate or breach contract terms.
- b. All contracts in excess of \$25,000 shall contain suitable provisions for termination by the Participant, including the procedures and basis for settlement. In addition, the provisions shall describe conditions under which the contract may be terminated because of circumstances beyond the control of the contractor.
- c. All construction contracts shall include a provision for compliance with: Copeland Anti-Kick Back Act (18 U.S.C. 874) (see page 39) as supplemented in Department of Labor Regulations (29 CFR, Part 3). This Act provides that the contractor is prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The Participant shall report all suspected or reported violations to the Department.
- d. Equal Employment Opportunity Construction Contract Compliance. State assisted construction projects are subject to the January 27, 1972 Equal Employment Opportunity Executive Order of the Governor of Ohio. Regulations set forth by the Ohio Department of Administrative Services will apply to each construction contract awarded. Participants receiving complaints alleging contractor and/or subcontractor violation of the Governor's Executive Order shall promptly report complaints to the Department. In the event the Participant fails or refuses to comply with these requirements, the Participant is subject to sanctions such as:
  - Cancellation, termination, or suspension in whole or in part of the Legislative allocation
  - Refraining from extending any further assistance to the Participant until satisfactory assurance of future compliance has been received;
  - Referring the case to the Attorney General for appropriate legal action.
- e. Contracts awarded by the Participant shall include a provision to the effect that the Department, the state auditor, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor for the purpose of making audit, examination, excerpts, and transcriptions.
- f. Contracts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970. Report violations to the Department.

Please see pages 37-40 for forms and clauses needed to meet contract provisions. These should be included in construction specifications.

#### Change Orders

The Participant shall issue written change orders for all necessary contract changes. Any change that alters the nature or purpose of the project must be approved by the Department. Change orders must be made part of the project file and kept available for audit purposes.

#### Acceptance of the Contract Work

The Participant is responsible for determining if the contracted work is satisfactorily completed.

#### Safety and Accident Prevention

In the performance of each project, the Participant must comply with all applicable federal, state, and local laws governing safety, health, and sanitation. The Participant is responsible for assuring that all safeguards, safety devices, and protective equipment are provided. The Participant will take all other reasonable actions necessary to protect the life and health of employees on the job and the safety of the public, and to protect property in connection with the performance of work on the project.

## **GUIDELINES FOR LAND ACQUISITION PROJECTS**

### **Uniform Relocation and Acquisition**

All acquisitions must be completed in accordance with the provisions of the Ohio Revised Code Section 163 and Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires in part:

- You must offer the landowner just compensation for the property being acquired as determined by an ODNR-approved Uniform Standards of Professional Appraisal Practice (USPAP) appraisal.
- You must provide all displaced persons, whether landowner or tenant, with appropriate relocation assistance.

### **Sequence of Events**

The Participant should not proceed to acquire a property until written authorization to do so is received from the Department.

- A. **APPRAISAL:** Property to be acquired must be appraised by the Participant. An independent appraisal must be submitted to the Department. The appraisal must be prepared by a general appraiser whose qualifications have been reviewed and approved by the Department prior to conducting the appraisal. The fair market value established by the state-approved appraisal is the amount of just compensation the Participant is required by law to offer the owner for the land to be acquired. Every appraisal must include a statement that the landowner has been offered the opportunity to accompany the appraiser during inspection of the property.
  - The appraisal will be reviewed and approved by ODNR. **Allow time in your schedule for this review.** ODNR maintains a list of ODNR approved appraisers. If a desired appraiser is not on the list, he or she may submit a request to be approved.
- B. **STATEMENT OF JUST COMPENSATION:** Upon notification from the Department that the appraisal is approved, the Participant must provide the landowner with a Statement of Just Compensation, and the required information for landowners and tenants about benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646). See page 26 for the Statement of Just Compensation form and required attachment. A copy of the Statement of Just Compensation WITH ORIGINAL SIGNATURE must be returned to the Department at the time of reimbursement request, at the latest.
- C. **NEGOTIATIONS:** Negotiations must be initiated by offering the approved appraised value in a Statement of Just Compensation. The purchase price must be negotiated and the property acquired within twelve months of the effective date of the appraisal or an update of the appraisal will be needed. If negotiations or the actual purchase occurred prior to state approval, the Participant may not be eligible for reimbursement.
  - Even if negotiations occurred prior to an approved appraised value, the Participant is required by law to offer the appraised value to the seller, and pay that amount upon acceptance by the seller.

- D. **WAIVER OF JUST COMPENSATION:** After ODNR has approved the appraisal, the landowner must be provided with a Statement of Just Compensation and the required information for landowners and tenants about benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1980 (P.L. 91-646). A copy of the Statement of Just Compensation WITH ORIGINAL SIGNATURE must be returned to the Department at the time of reimbursement request, at the latest.

If the seller chooses to accept less than the amount offered in the Statement of Just Compensation, he/she must sign a Waiver of Just Compensation (see page 31), explaining reasons for accepting less.

- E. **CONDEMNATION:** Condemnation should not be advanced or delayed in order to prompt an agreement on price. If an agreement does not appear possible after a reasonable period of negotiation, the Participant may, if authorized by law, institute condemnation proceedings.
- F. **DEED LIMITATION OF USE:** Property acquired with state bond assistance shall be retained and used for public outdoor recreation for a minimum of fifteen years after project closeout. This is the **COMPLIANCE PERIOD**. Under no circumstances during this period can property so acquired (or developed) be converted from public outdoor recreation use without the approval of the Director of the Department of Natural Resources.

Therefore, the Notice of Tax Exempt Bond Funding must be recorded in the county courthouse with the deed for the acquired parcel(s). Prior to final reimbursement a copy of the recorded Notice of Tax Exempt Bond Funding must be provided to the ODNR, along with the recorded deed.

G. **TRANSFER TITLE AND RECORD DEED**

**Title Rights, Documentation or Price Paid and of Title:**

Provide supply satisfactory evidence of purchase price and of the character and nature of the title to the ODNR Office of Real Estate. A written Certification of Title by Participant's legal counsel can satisfy evidence of title, or title insurance, or a copy of the deed. Exact property boundary lines must be established. A survey may be required when there is reasonable doubt about the size or exact location of the boundaries of the land being acquired.

**Acquisition of Interests in Real Property:**

Acquisition of easements, rights-of-way, etc., will be viewed in the same light as full takings. Documentation of value by appraisal will be the same. The Participants should adequately explain why lesser property interests are to be acquired.

## **SECTION THREE**

### **FINANCIAL MANAGEMENT OF PROJECTS, ADVANCES & REIMBURSEMENTS**

The Participant is responsible for the financial management of an approved project.

#### **Accounting for Funds Received**

The Participant shall implement accounting procedures to assure proper disbursement and accounting of project expenditures. The accounting procedures must be based on generally accepted accounting standards and principles. Separate accounts should be established for each project. Records to show that all expenditures charged against the project were authorized by the Participant must be maintained for the duration of the COMPLIANCE PERIOD (see page 12).

#### **Notice of Tax Exempt Bond Funding**

SB 310 Community Recreation Projects are funded through the sale of tax exempt bonds. Therefore, *prior to advance or reimbursement of funds*, the Participant must submit a completed and recorded Notice of Tax Exempt Bond Funding (see page 34). This document must be recorded at the applicable County Recorder's Office, and a copy must be submitted with the Participant's *first* request for funds. If the Participant does not own the property where the project is located, the property owner of record must complete and record the Notice of Tax Exempt Bond Funding.

#### **Advances**

After the project contract has been executed, the Participant may request one partial advance of funds to begin the project. This amount cannot exceed one-third of the contract amount. The advance must be expended within 45 days of receipt. To request an advance, send an Advance of Funds Request to the ODNR (see page 20). Include a list of project creditors, amounts and purpose of payments. A follow up Performance Report, Invoice(s) and proof of payment(s) must be submitted to ODNR within 45 days of receipt of advance.

Your Letterhead

**ADVANCE OF FUNDS REQUEST EXAMPLE**

---

Participant Name  
Community Recreation Project: FRAN-021C  
"Sports Park"  
Total Contract Amount: \_\_\$90,000\_\_

The following expenditures have been recently made or are expected to be made within 45 days.

A.	Picnic Shelter installed by Green Construction, Inc.	\$10,000
B.	Parking Area installed by Ace Paving, Inc.	\$ 7,000
C.	Site Grading by Zippy Excavating, LLC	\$ 13,000

TOTAL REQUESTED ADVANCE (1/3 or less of contract amount)      \$30,000

As a duly authorized representative for the grantee, I hereby certify that the expenses represented are true and accurate. A performance report, invoice(s) and proof of payment(s) will be submitted to the ODNR Office of Real Estate within 45 days of receipt of this advance.

\_\_\_\_\_  
Signed, Authorized Participant Official      Date

\_\_\_\_\_  
Title



## REIMBURSEMENTS

### Performance Reports

To obtain reimbursement, the Participant submits a Performance Report with supporting documentation; copies of invoice(s) and proof of payment(s). Reimbursement of Participant expenditures will usually be made within 45 days of receipt of complete and correct requests for reimbursement.

Reimbursement must be made within 18 months of date of original expenditure, or within 18 months of a clear placed-in-service date, provided no more than 3 years from date of original expenditure.

A Performance Report must be submitted with each reimbursement request. A Final Performance Report must be submitted when project is completed, prematurely terminated, or project assistance is terminated, and will include a final accounting of all expenditures and a description of all work accomplished.

Each Performance Report should summarize all expenditures being requested for reimbursement and must account for the entire project. Project items that have been completed, the percentage of completion of items partially completed and the items that have yet to commence should be identified on the Performance Report. Invoices and proof of payment for each project related item are required. A signature certification is required at the bottom of the Performance Report

**NOTE:** The First Performance Report for Advance or Reimbursement must include a completed **and recorded** NOTICE OF TAX EXEMPT BOND FUNDING (see page 34).

### Invoices and Proof of Payment

1. Invoices submitted must clearly identify vendor, identify the item/service, date the item/service was purchased/provided and purchase price. If the item or service description is vague, the Participant is responsible for providing a description of the item/service. Do not include sales tax in the reimbursement request.
2. Check or payment amount(s) should match the invoice(s) submitted. If items unrelated to the Community Recreation Project are included in the payment amount, the Participant is responsible for clearly defining the applicable amount.
3. Proof of Payment Option One: ODNR prefers that proof of payment be documented with a copy of a bank statement - with sensitive information redacted - showing payment(s) to the vendor. If payments were made by check, the statement should include check number, date, check amount and date payment was posted.
4. Proof of Payment Option Two: Copies of Participant's cancelled check(s), **front and back**, are also acceptable as proof of payment documentation. Check number, amount, and date must be legible on the back of the check. This information is often, but not always, printed by the bank. If it is not printed on the back of the check, please provide payment documentation as described in #3 above or #5 below.

5. Proof of Payment Option Three: Copy of government organization's accounting report showing check number, date and amount of check.

Note: A purchase order is not an acceptable proof of payment.

The Final Performance Report must also include:

1. Photo of permanently installed Community Recreation Project sign (see page 36).
2. "As-built" site plan of the project showing existing elements & new elements.
3. Picture(s) of the completed project.
4. Completed CERTIFICATE OF AUTHORITY
5. Copies of final building inspections (if applicable)

Invoice Number: WXYZ-001C-1  
(Your project number - reimbursement  
request number)

Your Letterhead

**PERFORMANCE REPORT EXAMPLE for DEVELOPMENT PROJECTS**

**PERFORMANCE REPORT NO. 3**

Participant Name

Community Recreation Project, Project Number WXYZ-001C  
"Cook Park"

	Report #3	TOTAL PRIOR TO Report #3
The following facilities have been completed:		
A. One picnic shelter	\$ 0	\$10,000
B. 15 picnic tables, 8 grills	\$ 2,500	\$ 2,500
C. One fenced ballfield	\$ 18,000	\$ 0
The following facilities have been partially completed:		
D. Restroom (10% completed)	\$ 5,000	\$10,000
E. Walking path of 100 linear feet (10% completed)	\$ 5,000	\$ 5,000
The following facilities have not commenced at this time:		
Play equipment		
TOTAL SPENT PRIOR TO PERFORMANCE REPORT #3		\$27,500
TOTAL REIMBURSEMENTS TO DATE		\$27,500
TOTAL PERFORMANCE REPORT #3 EXPENSES		\$30,500

As a duly authorized representative for the Participant, I hereby certify that the expenses represented  
and the accompanying documents are true and accurate.

Signed, Authorized Participant Official      Date

Title

### **REIMBURSEMENTS FOR LAND ACQUISITION**

Reimbursement of funds expended for land acquisition is based on the appraised value of the land. Reimbursements can never exceed the amount specified in the Capital Improvement Community Recreation Project state – local contract. If the project involves acquisition of residentially occupied structures, an operating farm or business, or if the project site has any non-recreational improvements on it, call the ODNR Office of Real Estate and Land Management (see page 11), additional requirements may apply.

### **Performance Report for Land Acquisition**

With the Performance Report, provide an acquisition map showing all acquired parcels. Report on the status of any pending acquisitions to be funded via Capital Improvement Community Recreation Project SB 310 funds.

#### For Each Parcel Acquired, Provide:

1. Appraisal amount, amount paid, number of acres and total associated relocation expenses (if applicable).
2. Certification of Title or Title Insurance
3. Executed HUD 1 Settlement Statement(s) or other proof of payment(s)
4. Recorded NOTICE(s) OF TAX EXEMPT BOND FUNDING
5. Option(s) to Purchase, *if applicable*
6. Recorded Deed(s)
7. Statement of Just Compensation
8. Waiver of Just Compensation, *if applicable*

Your Agency Letterhead

**PERFORMANCE REPORT for LAND ACQUISITION EXAMPLE**

**PERFORMANCE REPORT NO. 1**

Participant's Name

Invoice Number: FRAN-012-1

*(Your project number - reimbursement request number)*

"Cook Park"

<u>PARCEL</u>	<u>APPRAISED VALUE</u>	<u>AMOUNT PAID</u>	<u>ACRES</u>
1	\$10,000.00	\$ 10,000.00	8
2	<u>23,500.00</u>	<u>23,500.00</u>	<u>3</u>
	\$ 33,500.00	\$ 33,500.00	11

\$33,500 = Appraised Value of Land; Basis for Reimbursement

\$33,500 = TOTAL SPENT AND REQUESTED FOR REIMBURSEMENT REQUEST #1

As a duly authorized representative for the Participant, I hereby certify that the expenses represented and the accompanying documents are true and accurate.

Signed, Authorized Participant Official      Date

Title



**SECTION FOUR - FORMS & REFERENCE  
LANGUAGE**

**REAL ESTATE OFFER**

**STATEMENT OF JUST COMPENSATION**

PROJECT: \_\_\_\_\_

OWNER: \_\_\_\_\_

PARCEL  
NO(S): \_\_\_\_\_

Dear \_\_\_\_\_:

This is to confirm my discussion with you concerning your property and to indicate my willingness to further discuss the acquisition of your property at your convenience.

As indicated, the \_\_\_\_\_ has had an appraisal made of your property. The Ohio Department of Natural Resources has reviewed and approved the appraisal and in compliance with Section 301 of the Act of Congress of January 2, 1971, Public Law 91-646, and Ohio Revised Code Section 163.51 and 163.62, you are hereby advised that just compensation for fee interest in your property is:

Land	= \$ _____
Improvements	= \$ _____
Damages	= \$ _____
TOTAL	= \$ _____

This amount is an estimate of fair market value, which is not less than the state-approved appraisal. The estimate of fair market value of the real property is based on acceptable standard appraisal practices and procedures, which considered the highest and best use of the property, current land sales of similar properties in the vicinity, and other indicators of land value as follows:

\_\_\_\_\_  
(Income, Market, or Cost Approach)

\_\_\_\_\_  
Also considered were possible damages to any real property owned by you and not included in the above description.



The state-approved value encompasses all property values within the described premises, including any and all buildings and other improvements, except as specifically stated under EXCEPTIONS, below.

Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement on the project for which the property is being acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the appraiser making his determination of just compensation for the property.

County \_\_\_\_\_

Township \_\_\_\_\_

Section \_\_\_\_\_  
(If Applicable)

Range \_\_\_\_\_  
(If Applicable)

Municipality \_\_\_\_\_  
(If Applicable)

EXCEPTIONS:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

I (We) have been furnished with information for property owners and tenants concerning relocation rights and benefits as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

Received:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

IMPORTANT -

SIGNATURES ON THIS FORM DO NOT CONSTITUTE ACCEPTANCE OF THIS OFFER TO BUY ON THE PART OF THE LANDOWNER.

## ATTACHMENT TO STATEMENT OF JUST COMPENSATION

### Information for Landowners and Tenants About Benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - Public Law 91-646

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides for certain benefits and payments to displaced persons (landowners and tenants) which result from the sale of land to a government agency (federal, state, or local). A person is considered displaced when (a) a person, partnership, corporation or association on or after January 2, 1971, moves from real property as a result of the acquisition of such real property, in whole or in part; or (b) they are in receipt of a written order from the acquiring agency to vacate real property for a program or project receiving federal financial assistance. The law provides for benefits and payments for which you may be eligible in the following areas:

1. Reimbursement of moving and related expenses or certain substitute payments.
2. Replacement housing allowance under certain conditions.
3. Relocation assistance services to help locate replacement housing, farms, or business properties.
4. Reimbursement of certain expenses incurred in selling real property to a government agency.

These payments and benefits are discussed in greater detail in the following paragraphs.

#### 1. Reimbursement of Moving and Related Expenses

Displaced landowners and tenants are eligible for reimbursement of actual expenses incurred in moving themselves, their families, and their personal property from land acquired for federal or federally assisted programs. When a commercial mover is used, the reimbursement will be the amount charged. If the actual expenses are to be claimed, accurate records must be kept and bills and receipts obtained to support an application for reimbursement of expenses. Reimbursement for actual moving expenses shall not exceed the estimate or amount charged by a commercial mover.

In addition to moving expenses, actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation may be reimbursable, but may not exceed the cost of moving such property.

Landowners or tenants displaced from a business or farm operation are eligible for an additional payment not to exceed \$500 for expenses incurred in searching within a 50-mile radius for a replacement business or farm.

Should an owner or tenant displaced from a dwelling prefer, he might accept substitute payment of \$200 plus an allowance of up to \$300 (based on the size of the dwelling moved from) instead of actual moving expenses.

Should a displaced person from a business or farm operation prefer, he may accept a substitute payment instead of actual costs of moving and searching for relocation property. The Costs are not to be less than \$2,500 nor more than \$10,000 (based on the actual net income before income taxes). To qualify as a farm operation, the farm must contribute, or be capable of contributing, at least one-third of the operator's support. To qualify as a business, it must be shown that (a) it cannot be relocated without a substantial loss of its existing patronage; and (b) it is not a part of a commercial enterprise having at least one other establishment not being acquired by the governmental agency.

## 2. Replacement Housing Allowance.

In addition to reimbursement of moving expenses, owners or tenants actually occupying dwellings on the property acquired by a government agency under a federal or federally assisted program may be eligible for payment to help them purchase or rent a decent, safe, and sanitary replacement dwelling. This payment may be in the form of (a) a differential payment; (b) a rent supplement; or (c) a down payment allowance.

- a. Differential Payment. A payment which, when added to the purchase price of the dwelling acquired by the governmental agency, would enable the owner/occupant to acquire a decent, safe, and sanitary dwelling in the same general area from which he was displaced. The maximum amount that can be allowed for a replacement dwelling shall in no case exceed \$15,000. To qualify for this payment, an owner/occupant must have occupied the dwelling for not less than 180 days prior to the initiation of negotiations by the governmental agency (i.e.: 180 days from the date the first monetary offer was made).
- b. Rent Supplement. The amount necessary, when added to the actual rent or fair cash rental, whichever is greater, which will enable a displaced tenant or owner/occupant to rent a decent, safe, and sanitary dwelling for a period not to exceed four years; but in no case shall the total amount of such payment exceed \$4,000. The governmental agency will determine the maximum amount necessary to rent a replacement dwelling. Total payments in excess of \$500 will be made in four equal annual installments. To qualify for this payment, a tenant or owner must have occupied the dwelling acquired by the governmental agency for not less than 90 days prior to the initiation of negotiations. An owner/occupant of more than 180 days prior to the initiation of negotiations may elect to receive this payment instead of the initiation of the differential payment, but not to exceed the amount he would have received as a differential payment.
- c. Down Payment. The amount necessary to make a down payment for purchase, including closing costs, on a decent, safe, and sanitary dwelling but not to exceed \$4,000. However, the displaced tenant must match any amount over \$2,000 on an equal basis. The amount required for a down payment cannot exceed the minimum

needed in the area for a conventional loan plus closing costs. The same occupancy qualifications apply for a down payment as for a rent supplement,

3. Relocation Assistance.

The government agency (federal, state, or local) will, to the greatest extent possible, assist displaced landowners and tenants in locating and becoming established in decent, safe, and sanitary replacement housing and in locating replacement farm and business properties. It will also provide assistance in completing applications for moving and other expenses and payments authorized by Public Law 91-646. Should you have questions, the governmental agency (federal, state, or local) negotiator will be glad to discuss them with you, or you may write to the government office in charge of federal or federally assisted programs.

The government agency (federal, state, or local) will, upon request, provide any lending institution, or other interested party, a statement of expenses and allowances for which you, as a displaced owner or tenant, are eligible under Public Law 91-646.

4. Reimbursement of Expenses Incurred in Selling Real Property to a Governmental Agency.

Landowners are eligible for reimbursement of certain expenses incurred by them in conveying title to real property to the government. The expenses eligible are:

- a. Recording fees, transfer taxes, revenue stamps, and notary fees.
- b. Penalty costs for pre-payment of pre-existing recorded mortgages as may be required to convey a clear title to the government agency.
- c. The pro rate portion of real property taxes that would apply to the period after the date title vests in the government, or the effective date of possession by the government, whichever is earlier.

It is the obligation of the landowner to pay these expenses initially and then claim reimbursement from the agency purchasing the land. The agency will then be eligible for federal reimbursement as an allowable expense of the project.

REAL ESTATE

WAIVER OF JUST COMPENSATION

PROJECT: \_\_\_\_\_

OWNER:

PARCEL NO(S): \_\_\_\_\_

I/We, \_\_\_\_\_, have been informed of all of my/our rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policy Act of 1970 and have been provided with a Statement of Just Compensation and a written offer to purchase for the appraised value of \$\_\_\_\_\_. Of my/our choice, I/We have elected to accept an amount less than the approved appraisal of fair market value for the following reason:

\_\_\_\_\_

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date

IMPORTANT - An explanation for accepting less than fair market value must be provided.

**CERTIFICATE OF AUTHORITY**  
*Explanation of how to complete*

Community Recreation Project Number \_\_\_\_\_ (ex: CUYA-014C)

I, \_\_\_\_\_ (name of attorney), do hereby certify that I am the principal  
Legal officer of \_\_\_\_\_ (name of local agency) and that  
the (name of local agency) \_\_\_\_\_ is a legally constituted public body  
with full authority and legal capability to perform all obligations and terms of the  
\_\_\_\_\_ (name of agreement with local agency) and that \_\_\_\_\_ (name  
of local agency) has fully complied with all applicable laws in entering into and performing all  
obligations required by the \_\_\_\_\_ (name of agreement with  
local agency).

IN WITNESS WHEREOF, I have made and executed this Certificate of Authority this  
\_\_\_\_\_ day of \_\_\_\_\_, 20

By: \_\_\_\_\_

Legal Counsel for \_\_\_\_\_



**CERTIFICATE OF AUTHORITY**

Community Recreation Project Number \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that I am the principal Legal officer  
of \_\_\_\_\_ and that the  
\_\_\_\_\_ is a legally constituted public body  
with full authority and legal capability to perform all obligations and terms of the  
\_\_\_\_\_ and that \_\_\_\_\_  
has fully complied with all applicable laws in entering into and performing all obligations  
required by the \_\_\_\_\_.

IN WITNESS WHEREOF, I have made and executed this Certificate of Authority this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

Legal Counsel for \_\_\_\_\_

**NOTICE OF TAX EXEMPT BOND FUNDING**

Example of how to complete

Troy Township is the owner of a parcel of land located in  
Troy Township, Ashland County, Ohio, more particularly described in Exhibit A attached hereto  
and made part hereof (the "Property"). The owner, Troy Township, acquired the Property by a deed  
recorded in Vol. \_\_\_\_\_, Page \_\_\_\_\_ of the deed records of the Office of the Ashland County Recorder.

Troy Township has received appropriations from fund 7031 or 7035 from the 131st General  
Assembly in Senate Bill 310. The Ohio Department of Natural Resources administered these funds for recreational  
development. The Capital Improvement Community Recreation Project number is ASHL-044C. A copy  
of the Capital Improvement Community Recreation Project Agreement is kept at the township office at 123 Main Street,  
Anywhere OH 11111.

Troy Township hereby agrees to be bound by the terms of the Project Agreement as they relate to the Property,  
including the obligation that the Property identified in Exhibit A must be operated and maintained solely for public recreation  
or natural resource purposes throughout the Term of the Bond. During such time The Property cannot be converted in use or  
title without the written approval of the Director of the Ohio Department of Natural Resources.

This Notice shall be recorded by the owner in the Office of the Ashland County Recorder and shall be deemed  
incorporated by reference in any future deed of conveyance of or to the Property, or any part thereof, until date that is fifteen  
calendar years hence from the first of the month following request for final reimbursement, for example: November 1st, 2033  
(questions? call ODNR), upon which date this notice expires.

In testimony whereof Joe Parks has caused this Notice to be executed this 18<sup>th</sup> day of October 2017.

\_\_\_\_\_  
Authorized Official

STATE OF OHIO

COUNTY \_\_\_\_\_, ss

Before me a notary public in and for said County and State personally appeared the above named authorized official,  
who acknowledge that he being there onto duly authorized, did sign the foregoing instrument, and that the same is his free act  
and deed.

In Testimony whereof I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of  
\_\_\_\_\_, 201\_\_.





**NOTICE OF TAX EXEMPT BOND FUNDING**

\_\_\_\_\_ is the owner of a parcel of land located in \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio, more particularly described in Exhibit A attached hereto and made part hereof (the "Property"). The owner, \_\_\_\_\_, acquired the Property by a deed recorded in Vol. \_\_\_\_\_, Page \_\_\_\_\_ of the deed records of the Office of the \_\_\_\_\_ County Recorder.

\_\_\_\_\_ has received appropriations from fund 7031 or 7035 from the 131st General Assembly in Senate Bill 310. The Ohio Department of Natural Resources administered these funds for recreational development. The Capital Improvement Community Recreation Project number is \_\_\_\_\_. A copy of the Capital Improvement Community Recreation Project Agreement is kept at the \_\_\_\_\_ office at \_\_\_\_\_.

\_\_\_\_\_ hereby agrees to be bound by the terms of the Project Agreement as they relate to the Property, including the obligation that the Property identified in Exhibit A must be operated and maintained solely for public recreation or natural resource purposes throughout the Term of the Bond. During such time The Property cannot be converted in use or title without the written approval of the Director of the Ohio Department of Natural Resources.

This Notice shall be recorded by the owner in the Office of the \_\_\_\_\_ County Recorder and shall be deemed incorporated by reference in any future deed of conveyance of or to the Property, or any part thereof, until \_\_\_\_\_, 20\_\_\_\_, upon which date this notice expires.

In testimony whereof \_\_\_\_\_ has caused this Notice to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Authorized Official

STATE OF OHIO

COUNTY \_\_\_\_\_, ss

Before me a notary public in and for said County and State personally appeared the above named authorized official, who acknowledge that he being there onto duly authorized, did sign the foregoing instrument, and that the same is his free act and deed.

In Testimony whereof I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary

My Commission Expires:

### **ACKNOWLEDGEMENT SIGN:**

Public acknowledgment of State funding assistance at project sites is required, showcasing the state-local partnership in creating and improving high quality recreation areas. Participants can have signs made locally or purchase signs from ODNR.

The acknowledgement sign must be posted at the main entrance to the park or other appropriate on-site location, such as on or near the funded park facility. Method of sign construction may be determined by the Participant. Signs must remain in place through the compliance period, approximately fifteen years after project closeout.

ODNR offers recycled plastic signs (effective 10/1/2016). The price per sign is expected to be \$60.00 (ODNR cost plus shipping & handling). Order via e-mail to [tim.robinson@dnr.state.oh.us](mailto:tim.robinson@dnr.state.oh.us). Please include the following information:

Your project number (example: FRAN-004C)  
Mailing address (no PO boxes)  
Contact name and phone number

Your sign will be sent to you with an invoice requesting payment to ODNR upon receipt.

The sign looks like this:



Approximately 9" x 12"

If you prefer to make your sign in-house or locally and need an electronic graphics file, please email a request to [Timothy.Robinson@dnr.state.oh.us](mailto:Timothy.Robinson@dnr.state.oh.us)

**COVENANT B OF THE JANUARY 27, 1972**  
**EQUAL EMPLOYMENT OPPORTUNITY EXECUTIVE ORDER**  
**OF THE GOVERNOR OF OHIO**

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, or sex. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race color, religion, national origin, ancestry, or sex. Such action shall include, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeships. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided, setting forth the provisions of this nondiscrimination clause.
2. The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, or sex.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State Administering Agency, advising the said labor union or workers' representatives of the contractor's commitments under this covenant and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of the Department of Administrative Services, Division of Public Works (DPW) Regulation on Equal Employment Opportunity (EEO) and with the implementing rules, regulations, and applicable orders of the State Equal Employment Opportunity Coordinator.
5. The contractor agrees he will fully cooperate with the State Administering Agency, the State Equal Employment Opportunity Coordinator, and with any other official or agency of the state or federal government that seeks to eliminate unlawful employment discrimination, and with all other state and federal efforts to assure equal employment practices under this contract. Said contractor shall comply promptly with all requests and directions from the State Administering Agency, the State Equal Employment Opportunity Coordinator, and any of the State of Ohio's officials and agencies in this regard, both before and during construction.
6. Full cooperation as expressed in clause 5 above, shall include, but not be limited to, being a witness and permitting employees to be witnesses and complainants in any proceeding involving questions or unlawful employment practices, furnishing all information and reports required by the DPW Regulation on EEO and by the rules, regulations, and orders of the State Equal Employment Opportunity Coordinator pursuant thereto, and permitting access to his books, records, and accounts by the State Administering Agency and the State Equal Employment Opportunity Coordinator for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
7. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled,

terminated, or suspended in whole or in part and the contractor may be declared ineligible for further state contracts or state assisted construction contracts in accordance with procedures authorized in the DPW Regulations on EEO, and such other sanctions may be instituted and remedies invoked as provided in said Regulation or by rule, regulation, or order of the State Equal Employment Opportunity Coordinator, or as otherwise provided by law.

In the event this contract is terminated for a material breach of said Regulations, the contractor shall become liable for any and all damages as a result of said breach.

8. The contractor will include the portion of the sentence immediately preceding Paragraph 1 and the provisions of Paragraphs 1 through 8 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the State Equal Employment Opportunity Coordinator issued pursuant to Section 204 of the DPW Regulation on EEO, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State Administering Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor, vendor or other party as a result of such direction by the State Administering Agency, the contractor may request the State of Ohio to enter into such litigation to protect the interests of the State.

NOTICE: THE CONTRACTOR MUST COMPLY WITH THE PROVISIONS OF THE GOVERNORS EXECUTIVE ORDER 84-9, DATED FEBRUARY 15, 1984, WHICH REQUIRES THE ESTABLISHMENT OF UNIFORM STATEWIDE GOALS FOR THE UTILIZATION OF WOMEN ON STATE AND STATE-ASSISTED CONSTRUCTION CONTRACTS.

**TITLE 18, U.S.C. , SECTION 874**

**KICKBACKS FROM PUBLIC WORKS EMPLOYEES**

Whoever, by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever induces any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

#### **CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT**

The contractor agrees to comply with federal clean air and water standards during the performance of this contract and specifically agrees to do the following:

- a. The term "facility" means (a) any building, plant, installation, structure, mine, vessel or other floating craft, location or site of operations (b) owned, leased or supervised (c) by the contractor and subcontractor (d) for the construction, supply and service contracts entered into by the contractor;
- b. That any facility to be utilized in the accomplishment of this contract becomes listed on the EPA list, this contract may be canceled, terminated or suspended in whole or in part;
- c. That in the event a facility utilized in the accomplishment of this contract becomes listed on the EPA list, this contract may be canceled, terminated or suspended in whole or in part;
- d. That it will comply with all the requirements of Section 114 of the Air Act and Section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 and Section 308, respectively, and all regulations and guidelines issued thereunder;
- e. That it will promptly notify the government of the receipt of any notice from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that any facility utilized or to be utilized in the accomplishment of this contract is under consideration for listing on the EPA List of Violating Facilities;
- f. That it will include the provisions of paragraphs "a" through "g" in every subcontract or purchase order entered into for the purpose of accomplishing this contract, unless otherwise exempted pursuant to the EPA regulations implementing the Air or Water Act (40 CFR, Part 15.5), so that such provisions will be binding upon each subcontractor or vendor;
- g. That in the event that the contractor or the subcontractors for the construction, supply and service contracts entered into for the purpose of accomplishing this contract were exempted from complying with the above requirements under the provisions of 40 CFR, Part 15.5(a), the exemption shall be nullified should the facility give rise to a criminal conviction (See 40 CFR, part 15.20) during the accomplishment of this contract. Furthermore, with the nullification of the exemption, the above requirements shall be effective. The contractor shall notify the government, as soon as the contractor's or the subcontractors' facility is listed for having given rise to a criminal conviction noted in 40 CFR, Part 15.20.

## **JOINT USE AGREEMENT**

Template

(To request in MS WORD format, email [mary.fitch@dnr.state.oh.us](mailto:mary.fitch@dnr.state.oh.us) )

This Joint Use Agreement ("Agreement") is entered into by and between [POLITICAL SUBDIVISION], whose address is [ADDRESS], and [NONPROFIT ORGANIZATION], [BRIEF LEGAL DESCRIPTION], whose address is [ADDRESS].

WHEREAS, through SB 310, [NONPROFIT ORGANIZATION] received an appropriation in the amount of [AMOUNT OF AWARD].

WHEREAS, [NONPROFIT ORGANIZATION] will use these awarded funds for [NAME OF PROJECT AS STATED IN SB 310].

WHEREAS, [briefly describe the responsibilities of the parties and objective of the Joint Use Agreement]

WHEREAS, to establish public use on [NONPROFIT ORGANIZATION] owned land to be improved with public funds appropriated in SB 310, Section 509.150 of SB 310 requires a nonprofit organization to submit to the Ohio Department of Natural Resources a Joint Use Agreement that contains the requirements in SB 310 Section 509.90 (A)(1)-(2) and (B)(1)-(3) for review and approval.

WHEREAS, [POLITICAL SUBDIVISION] has demonstrated that the value of the use of the facility is reasonably related to the amount of appropriation through the worksheet included in this Agreement as Attachment A.

NOW, THEREFORE, in consideration of the mutual benefits hereunder, it is hereby agreed to between the parties as follows:

1. **Property owned, to be improved or purchased by nonprofit.** [Add the name of the property to be acquired or improved, physical address or location of property, and whether the organization owns the property or has a long-term lease of at least 15 years duration from the time that the acquired or improved property is ready for use.]
2. **Use of the property by political subdivision.** [Describe how the property will be used for parks and recreation purposes, describe the extent and nature of the use, and provide that the term of the agreement is for at least 15 years from the time that the acquired or improved property is ready for use.]

### **Optional Joint Use Agreement Template**

*This template only serves to provide for the requirements of SB 310 and is not intended to serve as a template protecting the interests of the parties involved. Parties are encouraged to add necessary language to protect the parties' interests and to consult with legal counsel as needed.*

3. **Reimbursement of funds.** The State shall be reimbursed should the political subdivision's right to use the acquired or improved property be terminated by the nonprofit organization prior to the expiration of the 15-year term, calculated by dividing the awarded funds by 15 and multiplying that sum by 15 less the number of full years the acquired or improved property has been used by the political subdivision.
4. **Use of funds.** Funds awarded shall be used as defined in SB310, and shall be used only for capital improvements and not operating costs. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code. Any funds provided under this Agreement that are not spent shall be returned in full to the State of Ohio.
5. **Insurance for facility and hold harmless.** The owner of the facility has insurance for the facility and the nonprofit shall hold the political subdivision harmless from all liability for construction, operation and maintenance costs of the facility.
6. **Compliance with federal, state and local law.** The nonprofit organization shall comply with all pertinent federal, state and local laws as well as state administrative regulations involved with the capital improvement process, including construction, bidding and ethics laws and regulations.
7. **Competitive bidding.** The nonprofit organization will follow competitive bidding procedures to include, at a minimum, publishing advertisements to seek bids, receiving sealed bids, and awarding contracts to the lowest responsive and responsible bidder, as described generally in Ohio Revised Code Chapter 153.
8. **Amendments.** Any amendments to the Joint Use Agreement require must be approved by the Ohio Department of Natural Resources before any amendment takes effect.
9. **Terms and conditions of use.** [Provide information about when and how the political subdivision can use the nonprofit organization's acquired or improved property.]

FOR THE NON PROFIT:

FOR THE POLITICAL SUBDIVISION:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Optional Joint Use Agreement Template**

*This template only serves to provide for the requirements of SB 310 and is not intended to serve as a template protecting the interests of the parties involved. Parties are encouraged to add necessary language to protect the parties' interests and to consult with legal counsel as needed.*



## ATTACHMENT A

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**Directions:** The purpose of this worksheet is to enable a political subdivision to demonstrate how the value of the parks and recreation uses that will be derived from a Joint Use Agreement is reasonably related to the value of the state capital appropriation made to the partner non-profit entity. Section I will be filled out by Department of Natural Resources staff. Sections II and III are to be filled out by the partner political subdivision.

**Section I: State appropriation information.**

1. Amount of state appropriation provided: \_\_\_\_\_
2. Estimated annual debt service on the appropriation: \_\_\_\_\_
3. Term of the state bond, in years: \_\_\_\_\_ 15 \_\_\_\_\_

**Section II: Estimated value of use of the facility.**

Use(s) of the facility*	Annual value of use	# of years
a. _____	\$ _____	_____
b. _____	\$ _____	_____
c. _____	\$ _____	_____
d. _____	\$ _____	_____
e. _____	\$ _____	_____

(\* List additional uses on separate page as needed.)

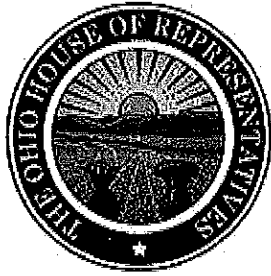
**Section III:**

On a separate page, explain how each use listed in Section II was valued for this analysis.

**From:** Best, Carolyn  
**Sent:** Monday, February 27, 2017 6:01 PM  
**To:** Sarko, Alyssa; Webb, Evan; Clegg, Brennan; Yaple, Tyler  
**CC:** Miller, Brad  
**Subject:** Gaggle Talking Points  
**Attachments:** 2.27\_Gaggle Talking Points.docx

**Carolyn Best**

*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635



# Ohio House Republican Caucus

---

## Communications Department

GAGGLE TALKING POINTS  
(SPEAKER ROSENBERGER)  
FEBRUARY 28, 2017

***There's a bill that was just dropped by Greta Johnson that would outlaw marital rape—do you know where the caucus stands on that?***

- As far as I know the bill was just introduced and I think there are some differences to last GA's legislation.
- When it is referred to a committee, I'm sure the chair will properly vet the bill and discuss it with committee and caucus members.
- Obviously domestic violence is an issue we care about, given the passage of House Bill 1 today. But every bill is different and we have a process that we have to follow before it comes to the floor.

***There's been a lot of talk recently regarding this new administration and Medicaid. Based on your conversations last week with the Wisconsin delegation, do you have a better idea of where the state is at on that?***

- Yes, in talking with Wisconsin we certainly have a lot in common as far as some of these issues, specifically the Medicaid issue.
- I know we have been watching and monitoring the situation and plan on just responding once we have a better idea of what is going on at the federal level.
- It is a big issue and it affects a lot of Ohioans. I look forward to having further conversations regarding this topic with our caucus and the governor.

***Recently, Rep Anielski announced that she would not be pursuing payday lending legislation in order to focus on other policy areas—what are your thoughts on this? Are any other legislators going to take up the issue?***

- I know Rep. Anielski wanted to focus her efforts on suicide prevention, which is a very personal and important issue to her.
- I understand the reasoning behind possible legislation and I look forward to talking with the caucus about what they are hearing from interested parties and their constituents.
- Members can introduce legislation whenever they choose. If a member decides to take this issue up, we will go from there. It is certainly possibly someone could introduce something.

***The Pastor Protection Act is moving quickly through committee—is that something we can expect to be coming to the floor soon?***

- This bill has obviously received a great deal of committee testimony and generated robust discussion on both sides of the issue. With there still being some concerns and questions among members of the caucus, the Speaker felt it was appropriate to allow for more deliberation on the legislation before further any further action is taken.

***Legislators have introduced “Right to Work” legislation—where is the caucus at on that?***

- It’s definitely something a lot of members in our caucus care about
- Discuss with the caucus

***Rep. Kathleen Clyde has introduced legislation (HB 14) that would automatically register Ohioans to vote. Is this a proposal your caucus would consider?***

- We will certainly review the legislation, but I’m not sure the proposal will have much support
- For perspective, there are only six other states that have adopted similar legislation
- Ohio just adopted online voter registration at the beginning of this year
- As opposed to what some Democrats like to say, Ohio is very accommodating to people wanting to register and vote

***There’s been some pushback regarding the governor’s tax plan in the budget... specifically that is it just shifting taxes... is this something the caucus is looking at for their budget proposal?***

- Well I know Chairman Smith is working through the budget with fellow Finance Committee members.
- That issue has come up and we’ll be discussing this part of the budget in detail.
- My main priority is ensuring that businesses can thrive and are not bogged down by burdensome red tape and taxes.
- We’ll be talking with businesses about this and see where we want to go with our budget bill.

***The democrats have also said that the budget doesn’t do enough in combatting the drug epidemic... what are your thoughts?***

- There is no one solution to fixing this issue.
- We do have to look at treatment now more than ever. Our caucus has taken the lead on better monitoring prescription drugs and that has really made a difference.
- But now we have to worry about the prevalence of fentanyl, which mixed with heroin is killing people.
- We have to educate kids early and often, as AG DeWine talked about recently

- So we will of course be talking about what can be done in our communities as far as the budget goes. I know Rep. Smith and Rep. Sprague have a good handle on the issue and will be able to offer valuable insight.

***Do you have an idea of what your main legislative priorities will be?***

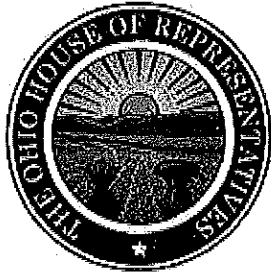
- I think our focus will be on legislative themes, most of which I talked about in my Opening Day speech.
- We will be focusing on long-term goals, **promoting business growth and cutting down on government bureaucracy.**
- I also think our standing committees show our support for **career readiness along with workforce development**
- **Energy standards** should be dependent on market trends, using an “all of the above” approach to the energy industry.
- I can say that our priority bills will not necessary be 1-10—but they will be based on Caucus goals

**From:** Best, Carolyn  
**Sent:** Tuesday, February 28, 2017 3:50 PM  
**To:** Sarko, Alyssa; Yapple, Tyler; Clegg, Brennan; Webb, Evan  
**CC:** Miller, Brad  
**Subject:** gaggle  
**Attachments:** 2.28\_Gaggle Talking Points.docx

Tomorrow's gaggle talking points attached—do I need to send to Schuring's office as well?

**Carolyn Best**

*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635



# Ohio House Republican Caucus

---

## Communications Department

GAGGLE TALKING POINTS

MARCH 1, 2017

***The transportation budget passed today... do you expect quick approval in the Senate?***

- I am grateful for Rep. McColley, Chairman Smith and the rest of the Finance/Transportation committee for their work on this.
- I think we came up with a thoughtful and solid compromise that took into account the concerns of businesses and constituents alike.
- I know we have been in discussions with the Senate on some of these changes so we'll monitor the process from here.

***Yesterday, Senator Matt Huffman announced plans to introduce legislation that would allow counties, cities, townships and universities to decide whether to pay workers less than the state-required prevailing wage on taxpayer-funded projects... is this something your caucus is interested in?***

- I think this is an important issue to discuss, considering how vital it is for local governments to be able to save.
- I think at this point, we will see how the Senate responds to the legislation. I have not yet seen specific language but look forward to talking with Senate leadership about it.
- If it makes its way over to the House, I'm sure there will be some interest there with members to have further discussion but we'll cross that path if/when we get to it.

***There's a bill that was just dropped by Greta Johnson that would outlaw marital rape—do you know where the caucus stands on that?***

- As far as I know the bill was just introduced and I think there are some differences to last GA's legislation.
- When it is referred to a committee, I'm sure the chair will properly vet the bill and discuss it with committee and caucus members.
- Obviously dating violence is an issue we care about, given the passage of House Bill 1 today. But every bill is different and we have a process that we have to follow before it comes to the floor.

***There's been a lot of talk recently regarding this new administration and Medicaid. Based on your conversations last week with the Wisconsin delegation, do you have a better idea of where the state is at on that?***

- Yes, in talking with Wisconsin we certainly have a lot in common as far as some of these issues, specifically the Medicaid issue.
- I know we have been watching and monitoring the situation and plan on just responding once we have a better idea of what is going on at the federal level.
- It is a big issue and it affects a lot of Ohioans. I look forward to having further conversations regarding this topic with our caucus and the governor.

***Recently, Rep Anielski announced that she would not be pursuing payday lending legislation in order to focus on other policy areas—what are your thoughts on this? Are any other legislators going to take up the issue?***

- I know Rep. Anielski wanted to focus her efforts on suicide prevention, which is a very personal and important issue to her.
- I understand the reasoning behind possible legislation and I look forward to talking with the caucus about what they are hearing from interested parties and their constituents.
- Members can introduce legislation whenever they choose. If a member decides to take this issue up, we will go from there. It is certainly possibly someone could introduce something.

***The Pastor Protection Act is moving quickly through committee—is that something we can expect to be coming to the floor soon?***

- This bill has obviously received a great deal of committee testimony and generated robust discussion on both sides of the issue. With there still being some concerns and questions among members of the caucus, the Speaker felt it was appropriate to allow for more deliberation on the legislation before further any further action is taken.

***Legislators have introduced "Right to Work" legislation—where is the caucus at on that?***

- It's definitely something a lot of members in our caucus care about
- Discuss with the caucus

***Rep. Kathleen Clyde has introduced legislation (HB 14) that would automatically register Ohioans to vote. Is this a proposal your caucus would consider?***

- We will certainly review the legislation, but I'm not sure the proposal will have much support
- For perspective, there are only six other states that have adopted similar legislation
- Ohio just adopted online voter registration at the beginning of this year
- As opposed to what some Democrats like to say, Ohio is very accommodating to people wanting to register and vote



*There's been some pushback regarding the governor's tax plan in the budget... specifically that is it just shifting taxes... is this something the caucus is looking at for their budget proposal?*

- Well I know Chairman Smith is working through the budget with fellow Finance Committee members.
- That issue has come up and we'll be discussing this part of the budget in detail.
- My main priority is ensuring that businesses can thrive and are not bogged down by burdensome red tape and taxes.
- We'll be talking with businesses about this and see where we want to go with our budget bill.

*The democrats have also said that the budget doesn't do enough in combatting the drug epidemic... what are your thoughts?*

- There is no one solution to fixing this issue.
- We do have to look at treatment now more than ever. Our caucus has taken the lead on better monitoring prescription drugs and that has really made a difference.
- But now we have to worry about the prevalence of fentanyl, which mixed with heroin is killing people.
- We have to educate kids early and often, as AG DeWine talked about recently
- So we will of course be talking about what can be done in our communities as far as the budget goes. I know Rep. Smith and Rep. Sprague have a good handle on the issue and will be able to offer valuable insight.

*Do you have an idea of what your main legislative priorities will be?*

- I think our focus will be on legislative themes, most of which I talked about in my Opening Day speech.
- We will be focusing on long-term goals, **promoting business growth and cutting down on government bureaucracy.**
- I also think our standing committees show our support for **career readiness along with workforce development**
- **Energy standards** should be dependent on market trends, using an "all of the above" approach to the energy industry.
- I can say that our priority bills will not necessarily be 1-10—but they will be based on Caucus goals

**From:** Sarko, Alyssa  
**Sent:** Tuesday, February 28, 2017 3:53 PM  
**To:** Best, Carolyn; Yapple, Tyler; Clegg, Brennan; Webb, Evan  
**CC:** Miller, Brad  
**Subject:** RE: gaggle

We can print a copy out for him but I think it would be wise to send to Schuring's office also. Thanks!

**Alyssa Sarko**

Director of the Speaker's Office  
Office of Speaker Clifford A. Rosenberger  
77 S. High St., 14<sup>th</sup> Floor | Columbus, OH 43215  
Alyssa.sarko@ohiohouse.gov | 614.466.0536

---

**From:** Best, Carolyn  
**Sent:** Tuesday, February 28, 2017 3:50 PM  
**To:** Sarko, Alyssa ; Yapple, Tyler ; Clegg, Brennan ; Webb, Evan  
**Cc:** Miller, Brad  
**Subject:** gaggle

Tomorrow's gaggle talking points attached—do I need to send to Schuring's office as well?

**Carolyn Best**

*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635

**From:** Best, Carolyn  
**Sent:** Tuesday, February 28, 2017 4:04 PM  
**To:** Sarko, Alyssa; Yapple, Tyler; Clegg, Brennan; Webb, Evan  
**CC:** Miller, Brad  
**Subject:** RE: gaggle

Sent. Thanks!

**From:** Sarko, Alyssa  
**Sent:** Tuesday, February 28, 2017 3:53 PM  
**To:** Best, Carolyn ; Yapple, Tyler ; Clegg, Brennan ; Webb, Evan  
**Cc:** Miller, Brad  
**Subject:** RE: gaggle

We can print a copy out for him but I think it would be wise to send to Schuring's office also. Thanks!

**Alyssa Sarko**

Director of the Speaker's Office  
Office of Speaker Clifford A. Rosenberger  
77 S. High St., 14<sup>th</sup> Floor | Columbus, OH 43215  
[Alyssa.sarko@ohiohouse.gov](mailto:Alyssa.sarko@ohiohouse.gov) | 614.466.0536

**From:** Best, Carolyn  
**Sent:** Tuesday, February 28, 2017 3:50 PM  
**To:** Sarko, Alyssa <[Alyssa.Sarko@ohiohouse.gov](mailto:Alyssa.Sarko@ohiohouse.gov)>; Yapple, Tyler <[Tyler.Yapple@ohiohouse.gov](mailto:Tyler.Yapple@ohiohouse.gov)>; Clegg, Brennan <[Brennan.Clegg@ohiohouse.gov](mailto:Brennan.Clegg@ohiohouse.gov)>; Webb, Evan <[Evan.Webb@ohiohouse.gov](mailto:Evan.Webb@ohiohouse.gov)>  
**Cc:** Miller, Brad <[Brad.Miller@ohiohouse.gov](mailto:Brad.Miller@ohiohouse.gov)>  
**Subject:** gaggle

Tomorrow's gaggle talking points attached—do I need to send to Schuring's office as well?

**Carolyn Best**

*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635

**From:** Policy Matters Ohio  
**Sent:** Monday, January 25, 2016 5:24 PM  
**To:** Sarko, Alyssa  
**Subject:** Our latest e-news: Hashtags, hiring and more

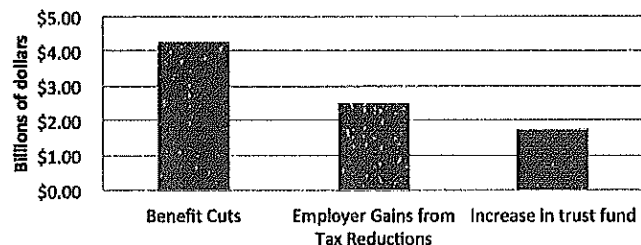
# Policy Matters Ohio

## A roundup of happenings at Policy Matters Ohio.....

**#Nation'sWorst** - Research Director Zach Schiller exposed an egregious assault on unemployment compensation that would make Ohio's system one of the worst in the country in many ways, slashing benefits, hacking eligibility, and cutting employer taxes. Zach's and researcher Hannah Halbert's dogged reporting on House Bill 394 - the worst anti-worker bill since the SB5 attack on collective bargaining - sparked

statewide news coverage. Major daily newspapers editorialized against the bill, some more than once. Our allies at Advocates for Ohio's Future and in the labor movement testified and issued phenomenal action alerts. Opponents created a hashtag #StartOver394. The backlash slowed the bill, and led lawmakers to make several amendments. But this will be a train wreck if Ohio families don't derail it.

**HB 394 Funding Changes to the Unemployment Compensation System, 2017-2025**



**Hurting a good thing** - Senior project director Wendy Patton's recent report found that provisions in the Ohio budget would reverse progress under Medicaid expansion. Expanding Medicaid has delivered health insurance to more than 650,000 Ohioans, saved money, and brought federal dollars into the state. But lawmakers are seeking a waiver from the federal government that would impose premiums and penalties on patients. This will end up causing tens of thousands to lose health-care coverage, as studies have

repeatedly found. "This will work against the good health results Ohio has seen with Medicaid expansion," Patton said.

**Weatherize it** - Since Ohio froze clean-energy and efficiency standards in 2014, electric utility investment in low-income home weatherization has declined by 26 percent. That's the upshot of a recent report written by Policy Matters' Amanda Woodrum, in collaboration with NextGen Climate America and Ohio Partners for Affordable Energy. Weatherization reduces the need for struggling families to seek utility payment assistance and creates jobs in Ohio's energy economy. If Ohio weatherized 30,000 homes of customers in payment-assistance programs each year for 13 years, we'd create nearly 2,400 jobs and produce roughly \$1.77 billion in savings for Ohio families.

**Jobs crawling back** - Job growth in Ohio continues to lag the national rate, but the last few months have brought solid gains. The state added 15,200 jobs in December, the third straight month of strong growth, our workforce researcher Hannah Halbert reports in the latest JobWatch. The late-year rally followed very slow growth in 2015. But it will take many more quarters of good results to get Ohio firmly on track. We have added jobs at a rate slower than the nation's since the start of the 2007 recession. U.S. jobs have grown by 3.5 percent since then, while the Ohio rate stands at 0.6 percent.

**Zombie power plants** - The Public Utilities Commission of Ohio is considering forcing FirstEnergy ratepayers to subsidize two outdated, inefficient power plants that can't produce energy at competitive rates. Researcher Michael Shields described the misguided arrangement to keep the two plants in business - the coal-fired W.H. Sammis plant on the Ohio River and the Davis-Besse nuclear plant near Toledo. "It's a mistake to make First Energy customers pay for this inefficient bailout deal," Michael wrote.

**Join our crew:** Policy Matters is hiring an outreach coordinator now in Cleveland and recruiting people with a master's degree to take part in an amazing state policy fellowship where you could be placed in our Cleveland or Columbus office starting next fall. The fellowship application deadline is Feb. 8. Check 'em out!

**Keep clicking!** - We love our social media pals. Keep growing the movement by liking us on Facebook and following us on Twitter.

**Read this e-news online.**

**Forward this email**

✓ SafeUnsubscribe

This email was sent to alyssa.sarko@ohiohouse.gov by [news@policymattersohio.org](mailto:news@policymattersohio.org) |  
[Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [About our service provider](#).



Policy Matters Ohio | Columbus | 43215 | Cleveland | OH | 44114

**From:** Kasych, Shawn

**Sent:** Tuesday, January 26, 2016 1:07 PM

**To:** Sarko, Alyssa

**CC:** Zielinski, Justin

**Subject:** Caucus packets Tuesday Night

**Attachments:** SB 2 (Peterson) - Bill Briefing.pdf; Bill Brief\_HB384 GAO.pdf; Bill Brief\_HB 342 GAO.pdf; Bill Brief\_HB 178 GAO.pdf; HB 256 (Maag) - SFC Bobby Lee Estle Memorial Hwy bill briefing.docx; Bill Brief\_HB 359 GAO.pdf

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

SB2

HB359

HB342

HB384

HB178

HB256

Shawn Kasych

Majority Policy Director

Speaker Clifford A. Rosenberger

Office 614.466.0863

Cell 216.299.0901

Updated January 21, 2016

**SUB. S.B. 2 (PETERSON)**  
Incorporate Internal Revenue Code changes into Ohio law

**House Co-Sponsors:** Amstutz, Rogers, Cera

**Senate Co-Sponsors:** Beagle, Sawyer, Tavares, Balderson, Burke, Eklund, Faber, Gardner, Hite, Hottinger, Hughes, Jones, Lechner, Obhof, Oelslager, Patton, Seitz, Widener

---

**Bill History**

- 2/2/2015 – Introduced in Senate
- 2/11/2015 – Reported (12-0) by Senate Ways & Means Committee
- 2/11/2015 – Passed Senate (31-0)
- 1/20/2016 – Substitute reported (20-0) by House Ways & Means Committee (1 hearing)

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Nick Cipiti (Ohio Department of Taxation)</li><li>• Ohio Society of CPAs</li></ul>	<ul style="list-style-type: none"><li>• No witnesses have testified</li></ul>	<ul style="list-style-type: none"><li>• No witnesses have testified</li></ul>

**Key Provisions (Excerpted from LSC Bill Analysis)**

- Incorporates into Ohio income tax law changes to federal tax law taking effect since April 1, 2015.
- Declares an emergency.

**Additional Information**

- **Substitute accepted in committee:**
  - As passed by the Senate, S.B. 2 authorizes a taxpayer whose taxable year ended after March 22, 2013 (the effective date of the second preceding incorporation act), and before the bill's effective date, to irrevocably elect to apply to the taxpayer's state tax calculation the federal tax laws that applied to that taxable year.
  - The substitute bill simply updates the date to April 1, 2015, thereby authorizing the election for a taxpayer whose taxable year ended after April 1, 2015 (the effective date of H.B. 19—the most recently enacted incorporation act), and before the bill's effective date
- **Tax savings:** The Ohio Dept. of Taxation calculates that passage of S.B. 2, conforming Ohio's calculation of adjusted gross income (AGI) to that of the federal AGI will result in the following savings – and thereby prevent tax increases - to Ohio taxpayers in the amount of \$18.9M in FY17 and \$10.9M in FY18.
- **Policy Advisor:** Heather Blessing, 614.466.9194 (Office); 614.352.5819 (Cell); [heather.blessing@ohiohouse.gov](mailto:heather.blessing@ohiohouse.gov).



Updated January 25, 2016

**H.B. 384 (SCHAFER/DUFFEY)**

**To specify that state institutions of higher education may be subject to performance audits conducted by the Auditor of State**

**House Co-Sponsors: Blessing, Boose, Vitale, Brown, Buchy, Butler, Pelanda, Smith, R.**

---

**Bill History**

- 11/16/15 – Referred Government Accountability and Oversight
- 01/19/16 – **REPORTED** (4 hearings; 11-0)
- 01/27/16 – *Pending House Floor Vote*

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Shawn Busken, Legislative Director – Auditor of State</li><li>• Marlene Znidar, Ohio Society of CPA's</li></ul>		<ul style="list-style-type: none"><li>• Greg Lawson, Buckeye Institute</li></ul>

**Key Provisions**

- Authorizes the Auditor of State to conduct a performance audit of a state institution of higher education

**Additional Information**

- **Policy Advisor:** Dustin Russell, Majority Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

Updated January 20, 2016

**H.B. 342 (YOUNG)**  
**To create the Ohio Farm Winery Permit**

**House Co-Sponsors: Becker, Grossman, Hackett, Schaffer, Vitale, Brown, Blessing**

**Bill History**

- 10/01/15 -- Referred to Government Accountability & Oversight
- 12/09/15 -- **REPORETD** (10-0; 3 Hearings)
- 01/27/16 -- *Pending House Floor Vote*

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Gene Sigel -- President, South River Vineyard &amp; Winery</li><li>• Tony Debevc -- President, Debevc Farms &amp; Debonne Vineyards Winery</li></ul>		

**Key Provisions**

- Creates the A-2f liquor permit and designates it as the "Ohio Farm Winery Permit."
- Authorizes the Division of Liquor Control to issue the A-2f permit to a wine manufacturer that:
  - Grows grapes, fruit, or other agricultural products on property owned by the manufacturer that is classified as land devoted exclusively to agricultural use
  - Uses the grapes, fruit, or other agricultural products to produce wine
- Authorize the holder of an A-2f permit to sell wine directly to a consumer on the premises where the wine is manufactured, but otherwise prohibits the holder from selling wine directly to a consumer or to a retailer unless the holder obtains other specified liquor permits
- Specifies that the fee for the A-2f permit is \$76 for each plant to which the permit is issued
- Allows an A-2 permit holder (wine manufacturer) to use agricultural products, in addition to grapes and other fruit as in current law, to manufacture wine.

**Additional Information**

- **Amendments accepted in committee:**
  - **AM 1367** -- expands what agricultural products wine can be made from
  - **AM 1415** -- adds the A-2f permit to a number of provisions addressing A-2 permits
  - **AM 1471** - adds "other agricultural products" to the list of things from which wine could be made
- **Policy Advisor: Dustin Russell** -- Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

Updated January 20, 2016

**H.B. 178 (MANNING)**

**To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets**

**House Co-Sponsors: Sweeney, LaTourette, Brenner, Thompson, Becker, Young, Blessing III, Henne, Duffey, Cera, Roegner, Boyd, Maag, Buchy**

---

**Bill History**

- 05/05/15 – Referred to Government Accountability & Oversight
- 01/12/16 – **Reported** (11-0; 4 Hearings)
- 01/27/16 – *House Floor Vote Pending*

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Adam Schroeder, Manager Pearl Farmers Market</li><li>• Paul Freedman, President Wild Pear Farm; Dutch Creek Winery</li><li>• Lee Klingshirn, President Klingshirn Winery Inc.</li></ul>		

**Key Provisions**

- Establishes the F-10 permit to authorize a person who organizes a farmers market to allow A-2 permit holders (wine manufacturers) or S permit holders (certain wine manufacturers that ship wine to consumers) to sell both of the following at the farmers market:
  - Tasting samples of wine manufactured by the A-2 or S permit holder for consumption on the premises of the farmers market
  - Sealed containers of wine manufactured by the A-2 or S permit holder for consumption off the premises of the farmers market.
- Specifies that, for purposes of the bill, an “A-2 permit holder” means an A-2 permit holder that produces less than 250,000 gallons of wine per year.
- Prohibits an A-2 or S permit holder from engaging in certain activities at a farmers market under an F-10 permit, including selling a variety of wine that is offered for distribution by a wholesale distributor in any state and selling more than four and one-half liters of wine per household for off-premises consumption.
- Exempts a person who sells wine at a farmers market under an F-10 permit from the requirement to be licensed as a retail food establishment under the Retail Food establishments and Food Service Operations Law.
- Exempts from the Open Container Law a person who has in the person’s possession an opened container of wine served as a tasting sample for on-premises consumption at a farmers market for which an F-10 permit has been issued.

**Additional Information**

• **Amendments accepted in committee:**

**LSC 131-1257-7 {Sub Bill}**

- Authorizes a person who organizes a farmers market to obtain an F-10 permit and to allow a farmers market participant who holds an A-2 or S liquor permit, to sell tasting samples and sealed containers of wine at a farmers market.
  - Specifies for purposes of the bill, an "A-2 permit holder" means an A-2 permit holder that produces less than 250,000 gallons of wine per year.
  - Removes the provision requiring an F-10 permit holder to obtain written permission from the person who organizes the farmers market due to the change in the sub bill that authorizes the person who organizes the farmers market to obtain an F-10 permit and not the A-2 or S liquor permit holders.
  - States that the F-10 permit is effective for nine months and is not renewable; however specifies that a person who organizes a farmers market may re-apply for a new permit.
  - Specifies that wine that is served by an A-2 or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued is exempt from the Open Container Law.
  - Requires an applicant for an F-10 permit to submit an application for the permit to the Division of Liquor Control and include in the application the location of the farmers market that is subject to the application.
  - Prohibits an F-10 permit holder from allowing more than four A-2 permit holders, four S permit holders, or a combination of both permits per day to sell tasting samples and sealed containers of wine at the applicable farmers market.
  - Removes provisions restricting F-10 permit holders to sell wine which meets certain in-state production criteria.
  - Adds to the as introduced version's definition of a farmers market to exclude for profit farmers markets; A farmers market located at a rest area within the limits of the right-of-way of an interstate highway; A farmers market located at a service facility along the Ohio Turnpike and a farmers market with fewer than five participants.
  - Prohibits an A-2 or S permit holder from selling a tasting sample that exceeds one ounce
  - Prohibits an A-2 or S permit holder from selling more than five varieties of wine as tasting samples per day
  - Prohibits an A-2 or S permit holder from selling a variety of wine that is offered for distribution by a wholesale distributor in any state unless the wine distributed by the A-2 or S permit holder.
  - Prohibits an A-2 or S permit holder from selling more than 4.5 liters of wine per household for off-premises consumption.
  - Prohibits an A-2 or S permit holder from allowing any person other than members of the permit holder's family, an employee of the permit holder, or the holder of the permits from selling wine at a farmers market.
  - Requires the farmers market to be clearly defined and sufficiently restricted to allow proper enforcement of the permit by law enforcement officers.
  - Requires the Division of Liquor control to suspend another class of permit that has been issued for all or a portion of the same premises while the F-10 permit is in effect.
  - Prohibits A-2 or S permit holder from selling wine for on or off-premises consumption unless that option is authorized by local election in which the farmers market is located.
- **Policy Advisor:** Dustin Russell, Majority Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)
- **Senate Companion Bill:** S.B. 153 (Manning)

**H.B. 225 (REPS. GROSSMAN/CURTIN)**  
**Sgt. Jesse Balthaser USMC Memorial Highway**

House Co-Sponsors: Schaffer, Leland, Fedor, Thompson, Hood, T. Johnson, Brown, Bishoff, Blessing, Sheehy, Ruhl, Boose

---

**Bill History**

- 6/23/15 – House Transportation and Infrastructure Committee (2 Hearings), (11-0)

**Stakeholders**

Proponent	Opponent	Interested Party

**Key Provisions**

- Designates a portion of Interstate Route 70 in Columbus, between Wilson Road and Hague Avenue, as the "Sgt. Jesse Balthaser U.S.M.C. Memorial Highway."
- Authorizes the Director of Transportation to erect suitable markers along the highway indicating its name.

**Additional Information**

- *Sgt. Jesse Balthaser U.S.M.C. was killed in action in 2010 while serving in Afghanistan in support of Operation Enduring Freedom.*
- **Policy Advisor:** Lisa Griffin, 614-387-1398, [lisa.griffin@ohiohouse.gov](mailto:lisa.griffin@ohiohouse.gov)

Updated January 25, 2016

**SUB. H.B. 359 (DUFFEY/GONZALES)**

**To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery**

**House Co-Sponsors:** Bishoff, Anielski, Hall, LaTourette, Perales, Stinziano, Antani, Grossman, Sears, Scherer, Sprague, Patmon, Buchy, Butler, Curtin, Leland

**Bill History**

- 10/06/16 – Referred to Government Accountability and Oversight
- 12/01/15 – **Substitute Bill Accepted** (1199x5)
- 01/12/16 – **REPORTED** w/ Amendments (5 hearings; 11-0)
- 01/27/16 – *Pending House Floor Vote*

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Nancy Neylon, Executive Director – Ohio Domestic Violence Network</li><li>• Jon Husted, Ohio Secretary of State</li><li>• John Murphy, Executive Director – Ohio Prosecuting Attorneys Association</li><li>• Katie Hanna, Ohio Alliance to end Sexual Violence</li></ul>		

**Key Provisions**

- Allows an adult to apply to the Secretary of State to have the applicant's address kept confidential because the applicant fears for the applicant's safety or for the safety of a member of the applicant's household because the applicant or the household member is a victim of domestic violence, stalking, human trafficking, rape, or sexual battery
- Prohibits a Tier I, II, or III sex offender/child-victim offender from participating in the address confidentiality program
- Requires the application to be made with the assistance of an application assistant who is an employee or volunteer at an agency or organization that serves victims of domestic violence or other specified offenses, and specifies the information that must be included in the application.
- Prohibits any person who submits an application from knowingly making a false attestation, and specifies that whoever violates that prohibition is guilty of a first degree misdemeanor.
- Requires the Secretary of State, upon receiving a properly completed application, to certify the applicant as a program participant and to provide certain information to the participant, including a unique program participant identification number.
- Specifies that a program certification is valid for four years, describes the process to renew that certification, and allows the Secretary of State to prescribe a grace period during which a program participant whose certification has expired may renew it without being considered to have left the program.
- Requires the Secretary of State to designate an address for program participants to use to receive mail.

*Updated January 25, 2016*

- Generally requires a government entity to use the address designated by the Secretary of State as a program participant's address, and allows a program participant to request that the participants' employer, school, or institution of higher education use the address.
- Requires the Secretary of State to forward all first class mail that it receives for a program participant to the participant, and allows the Secretary to contract with the U.S. Postal Service to establish special postal rates for those mailings.
- Specifies procedures for the Secretary of State to act as a program participant's agent for the purpose of receiving service of process, and requests that the Ohio Supreme Court revise the Rules of Civil Procedure to allow service to be made in that manner.
- Specifies that the address of a program participant's residence, school institution of higher education, business, or place of employment, as specified on the participant's application or on a notice of change of name or address, is confidential and is not a public record.
- Specifies that the confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state are not public records under the Public Records Law.
- Prohibits a person who has access to a confidential address or telephone number because of the person's employment or official position from knowingly disclosing it to any person, except as required by law, and specifies that a violation of that prohibition is a first degree misdemeanor.
- Requires the Ohio Law Enforcement Gateway (OHLEG) to contain the name, confidential address, and telephone number of program participants and grants access to this information in OHLEG to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each.
- Provides a procedure for a chief legal officer to petition for access to a confidential address for a legitimate governmental purpose, generally prohibits a person who obtains a confidential address from knowingly disclosing that address, and specifies that a violation of that prohibition is a first degree misdemeanor.
- Establishes that the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty under the address confidentiality program, except under specified circumstances.
- Allows a participant in the address confidentiality program who is eligible to vote request the board of elections to keep the participant's voter registration record confidential, and specifies that required contents of the application form.
- Requires that the application be treated as the participant's voter registration record and be stored in a secure manner, such that only the members of the board of elections, the director, and the deputy director have access to it.
- Requires the participant's registration to appear in the Statewide Voter Registration Database and the official registration list, but with the participant's program participant identification number instead of the participant's residence address and precinct, and prohibits information concerning the participant from appearing in any poll book or version of the Database or the official registration list that is available to the public.
- Permits a program participant who has a confidential voter registration record to vote only absentee or by provisional ballot, using the participant's program participant identification number instead of the address at which the participant is registered to vote.
- Requires the director and the deputy director of the board of elections personally to process absent voter's ballot identification envelopes received from program participants and requires the board of elections to decide any challenge to such ballot.
- Specifies additional procedures for provisional voting by a program participant who has moved or had a change of name and has not submitted a notice of change of residence or change of name to the board of elections.
- Prohibits observers from witnessing the processing of ballots cast by electors who have confidential voter registration records in a manner that would permit the observers to learn the identities or residence addresses of those electors.
- Prohibits a person who challenges the right to vote of a program participant who has a confidential voter registration record from receiving notice of or attending any hearing concerning the challenge, and specifies that any records created as a result of the challenge that include the elector's residence address or precinct must not be open to public inspection.

Updated January 25, 2016

- Provides a process for a person who has a confidential voter registration record and who ceases being a program participant or who wishes to cease having a confidential voter registration record to have the person's registration treated in the same manner as other registrations or to cancel the person's registration.
- Requires the Secretary of State to cancel a program participant's certification if the participant's application contained false statements, if the participant applies to exit the program, or if the certification has expired.
- Requires the Secretary of State, upon canceling a certification, to notify the director of the board of elections of the county in which the former program participant resides.
- Permits a court that is sentencing an offender for certain offenses, including domestic violence, rape, and trafficking in persons, to impose an additional fine of not less than \$70 nor more than \$500.
- Requires that fine to be paid into the Address Confidentiality Program Fund, which the bill creates in the state treasury for the purpose of administering the program.
- Requires the Secretary of State to adopt rules under the Administrative Procedure Act to facilitate the administration of the address confidentiality program.
- Establishes that the residential and familial information of federal law enforcement officers does not constitute a public record under the Public Records Law.

**Additional Information**

- **Amendments accepted in committee: Sub Bill 1199x5:**
  - Removes the law enforcement access to confidential address provision in the as introduced version of the bill. Requires the Ohio law enforcement gateway to contain confidential participant information.
  - Requires the Attorney General to adopt rules under the Administrative Procedure Act that grant access to information in the gateway regarding confidential participant information to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and the designees of these individuals.
  - Prohibits a person who obtains a confidential address from the Ohio law enforcement gateway from knowingly disclosing it to any person, except as is necessary for the legitimate governmental purpose. *{Aligns with provisions in the as introduced version of the bill - Court Orders ORC 111.99}*
  - Specifies that the confidential information of a program participant and records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county or any other geographic area small than the state, are not public records under the Public Records Law.
  - Declares that service of process upon the Office of the Secretary of State on behalf of a program participant constitutes service upon the program participant for purposes of the Rules of Civil Procedure.
  - Specifies that a person who is otherwise eligible to become a program participant may apply to enter the program only when changing residence.

**AM 1488**

- Provides civil immunity to state employees acting within the scope of their employment, provided the employee is not acting in a malicious, bad faith, wanton or reckless manner.
- Provides language to this same effect within a waiver of claims from upon applying to enter the program.

**AM 1556**

- Removes "any other crimes" from the eligibility list.
- Restores law director access to confidential participant information if petitions court for a "legitimate governmental purpose."
- Adds participant phone number to the Ohio legislative gateway database as an emergency contact.
- Adds "knowing and voluntary" consent to service of process via program.
- Requires participants update the Secretary of State of future changes of address within 30 days or allows the Secretary of State to remove them after a 60 day period of unsuccessful attempted contact.
- Limits the Secretary of State responsibilities to mail to only days in which the SOS office is open for business.
- Adds "or portions of records" after "records" in line 975 to the public records act exemption
- Makes other technical changes



*Updated January 25, 2016*

**AM 1562**

- Adds federal law enforcement home addresses to the section of the revised code that makes law enforcement home addresses not a public record.
- The amendment would permit a journalist access to the exempted information
- **Policy Advisor:** Dustin Russell - Majority Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

**Speaker Gaggle**  
February 15, 2017,  
*Following House session*

**BEGIN TRANSCRIPT**

***Pastor Protection Act***

**Marc Kovac (Youngstown Vindicator)**  
Pastor Protection, is that going to move?

**Speaker**  
Yeah, I think we just had a conversation today and in our caucus. We're going to continue having conversation and of course it's still in committee and there's a lot of people testifying. So we will have another discussion Tuesday about it and we'll see where we go with it. But I think we have a lot of people in the caucus interested in seeing something happening with this and of course this is really, as far as the bill goes, really narrowed down in scope to focus solely on this issue on marriage at these churches and of course the state constitution already provides for a lot of protections. I think what we'll be doing is passing a bill that just reaffirms that.

**Jackie Borchardt (Cleveland Plain Dealer)**  
Last year when this came up, you mentioned there are concerns on the other side about protections for LGBT people from anti-discrimination. You said at one point that you hope maybe both could be part of the discussion.

**Speaker**  
I still think there is plenty of room for people to still have that discussion on both sides and keep pushing. You know, I think this is again, this is already something that we already clearly define and protect within our own state constitution. We're just reaffirming that and, by the way, it's also in the United States Constitution—the First Amendment—so we're just reaffirming that through this bill.

**Jackie Borchardt (Cleveland Plain Dealer)**  
But on the other side, the LGBT and anti-discrimination for housing and employment, that's not part Ohio law.

**Speaker**  
And we'll continue to have those conversations regarding that. I still think that there is a pathway forward, and I'll continue to be all ears to see what we can do to help in that endeavor.

**Jim Siegel (Columbus Dispatch)**  
It doesn't sound like you think, and you seemed to indicate this last year, that this isn't really necessary to pass in order to keep the protections we already have.

**Speaker**  
Yeah, I think that's why this bill is in its scope just reaffirming what is currently out there in protections, and what that—those protections already exist. And we have a lot of members that want to see that potentially reaffirmed, and I'm listening to those members and this is what this bill...

**Jim Siegel (Columbus Dispatch)**

What's the justification for wanting to reaffirm protections we already have, that you've heard?

**Speaker**

Well, I think the justification happens both ways in many circumstances, so a lot of times people have needs and wants to which they want to continue to just make sure that those are still held steady and I think that's what you see with some members in this bill. They want to see that happen again and we're having, like I said, continued conversations with our caucus about it. We'll have another one Tuesday night, and we'll see ultimately where the caucus wants to overall go with this bill.

***House's tax plan***

**Jim Siegel (Columbus Dispatch)**

Have you laid out a framework for what you want to see the House tax plan look like?

**Speaker**

Yeah, I mean I think we're going to try to work as much as possible with the President and Governor to get us in the right track here for the state. But at the same time, we want to make sure we're doing everything possible to ensure a.) we have a very balanced budget, and we don't set policies that could put us in a bad predicament financially in the future for the state. Those are things we are taking into account right now and we're looking at. Committee process is still really early, still talking about a lot of the Governor's provisions and we're going to continue working with the administration to see what we can do and where we can go.

The other thing is too, some of this is dependent on watching the federal government and what happens at the federal level and what they do and how that affects ultimately what we do as a state. I think, long term, for a tax policy here, that we want to be also cautious about some—you'll see it, and we'll be rolling out next week our Buckeye Pathway agenda and talking about that at some point. And I don't know if that has already been announced...["it has not"]...well, there you go. I just announced it for ya (laughs).

***State of the State***

**Marc Kovac (Youngstown Vindicator)**

Fair to assume the House won't have any problem taking the State of the State to Sandusky?

**Speaker**

Well, we haven't had a problem since we went to, where, Steubenville. So, I don't so. I think you'll always have folks that traditionally would like to see it stay here at the House. It is by nature the General Assembly that the Governor is required to come and give us a conversation, but I think for many, especially like Representative Arndt, it has a huge impact for the region and shows us going out and being a part of the state. I don't necessarily think that there will be a overall big problem with it.

***Right to Work***

**Jackie Borchardt (Cleveland Plain Dealer)**

Will Right to Work move forward?

**Speaker**

I think that there is a lot of pressure amongst other states that are around us. Of course, Missouri just recently moved Right to Work and I think that there's a lot of folks that have a belief that that's a policy that is important to our state. But then also...there's a lot of us that still remember Senate Bill 5 and what happened here and what went down. So, you know, I think we're always going to have members that want to introduce bills and do things that's in their prerogative to do. They have to have first hearings, so they'll get their first hearings and we'll have conversations as a caucus. But I don't know that we have a game plan going forward. I think there are a lot of businesses and groups talking about it and I think ultimately for the state a Right to Work pathway is one in which is probably taken to the ballot through that citizen-led initiative process, if that happens.

### ***Medicaid***

**Dustin Ensinger (Gongwer)**

With the premiums in Medicaid, are you expecting support for the Governor's plan or maybe taking a second crack at the Healthy Ohio or anything like that?

**Speaker**

Yeah I think Healthy Ohio, Healthier Ohio...is it Healthier Buckeye or Healthier Ohio? I think it's Healthier Buckeye...

**Dustin Ensinger (Gongwer)**

...Healthy Ohio.

**Speaker**

Or Healthy Ohio. There's a couple of them, I can't keep them all. But I think we're going to watch it, look, the reality is that we're going to probably come back—we're going to pass this budget, we're going to pass it in time, is my goal. And we're going to probably have to come back and make some changes and be a little flexible and nimble as time goes on because things are going to ultimately change. We're going to look at that and watch it. I think you're going to see us, you know, there are some avenues that I think we can get waivers for that we couldn't potentially get waivers for in the past that we're probably going to try to do to maybe help mitigate some of those costs and those premiums. So we'll see what we do as we continue to have some of these conversations. Those conversations are ongoing now, so we'll keep talking about it.

### ***Budget timeline***

**Jim Siegel (Columbus Dispatch)**

What is your goal to get the budget done on your side? Timeline.

**Speaker**

I knew I should have studied it. I think we want to get...I mean...so we have, with the Easter holiday, that kind of compresses us a little bit. We hope to get it somewhere a little before, if not after, the Easter holiday so we can get it to the Senate and give them plenty of time to look at the budget as well.

***END TRANSCRIPT***

**From:** Paretti, Dominic  
**Sent:** Tuesday, February 20, 2018 10:15 AM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

**\*\*REMINDER-DEADLINE TO CO SPONSOR IS MARCH 9, 2018 at 4PM**

Dominic Paretti

Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



#### MEMORANDUM

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of

family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

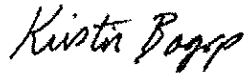
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**

A handwritten signature in cursive script, appearing to read "Janine Boyd".

**Janine Boyd**  
**State Representative, Ohio House District 09**

A handwritten signature in cursive script, appearing to read "Kristin Boggs".

**Kristin Boggs**  
**State Representative, Ohio House District 18**

**From:** Westlake, Libby  
**Sent:** Monday, February 26, 2018 8:54 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 2/26/2018

## HOUSE E-CLIPS

2/26/2018



### **FUTURE UNCERTAIN AS OHIO HIGHER EDUCATION BOARD SITS IDLE**

The future of Ohio's once-powerful higher education advisory board remains uncertain as lawmakers move to change the way the state oversees education.

### **OHIO MOVES TO ADD WRIGHT FLYER TO STATE SEAL AMID DISPUTE**

Ohio is staking another public claim to the Wright brothers' legacy amid a dispute with Connecticut over an aviator that state says flew first.

### **GOP GOVERNOR TAPS ADVISERS FOR GUN POLICY TALKS**

Ohio Gov. John Kasich says he has convened a diverse group of advisers on gun policy to help him come up with a consensus policy proposal that he can bring forward in the coming days.



### **MEDICAL MARIJUANA MAY ARRIVE LATE IN OHIO**

From litigation to audits to legislation, the attempted fixes are piling up for an Ohio medical marijuana program that has been beset by problems.

### **DEMOCRATIC CANDIDATES FOR OHIO GOVERNOR HOPE TO WIN BACK TRUMP VOTERS**

Getting Ohio Democrats who voted for President Donald Trump back into the fold was a theme Sunday as Democratic candidates for governor appeared before the public in Marysville.

### **KASICH FAVORS ARMING TEACHERS, AGAINST 'STAND YOUR GROUND'**

Ohio Gov. John Kasich said he is hoping that a group he's quietly convened to find solutions to gun violence in the state will be able to deliver something by the end of next week to the General Assembly.

### **FRUSTRATED ACTIVIST BASHES KASICH, EYES RECREATIONAL WEED**



An architect of Ohio's medical marijuana law Friday accused Gov. John Kasich of intentionally torpedoing the state's program, which is supposed to start in September.

### **UNION MONEY NOW FUELS GOP LEGISLATIVE CAMPAIGNS IN OHIO**

Ohio has increasingly become an island among states that have passed a right-to-work law — an initiative strongly opposed by labor unions.

### **NEARLY NEW LINEUP AT DEMOCRATS' NEXT OHIO GOVERNOR DEBATE IN TOLEDO**

When four Democratic candidates for Ohio governor gathered for a debate in Columbus in October, they spent their time discussing Ohio's opioid crisis, the scandal surrounding online charter school ECOT, and the financial cost to local communities of state tax breaks for businesses.

### **KASICH ASSAILS DEMOCRATS FOR LACKING AGENDA**

Launching a spirited attack against the Democratic Party, Ohio Gov. John Kasich charged he has "no clue" what Democrats stand for and complained they have "no agenda."

### **CAPITOL INSIDER: KASICH CHANGES HIS TUNE ON 'ASSAULT WEAPONS' VOTE**

Ohio Gov. John Kasich's evolution on gun issues apparently continues.

### **EDITORIAL: DOING NOTHING IS NO LONGER ACCEPTABLE**

Gun-rights advocates in the Ohio House of Representatives had every reason to expect House Bill 228 to pass easily, further dismantling the state's already-flimsy regulation of deadly weapons.

**Dayton Daily News**  
[www.daytondailynews.com](http://www.daytondailynews.com)

### **ANTHEM BLUE CROSS BLUE SHIELD ER POLICY CRITICIZED BY OHIO LAWMAKERS**

Several Democratic state lawmakers want to penalize Anthem Blue Cross Blue Shield for a new policy that does not cover some emergency room visits deemed by the insurer not to be emergencies.

## **THE PLAIN DEALER**

### **KASICH, OTHER GOVERNORS RESTATE NATIONAL NEED TO DEAL WITH HEALTH CARE COSTS AND QUALITY**

Ohio Gov. John Kasich and his counterparts from Colorado and Alaska came to the nation's capital Friday to remind policy makers, businesses and the public: There's still much work to do on health care.

### **'YOU KNOW, WHEN YOU GET PUNCHED, AT LEAST IT ONLY HURTS FOR A MINUTE' OHIO MATTERS: EPISODE 6 - JOE SCHIAVONI**

State Sen. Joe Schiavoni acknowledges the Democratic gubernatorial primary has been a tough fight so far.

### **REPUBLICAN OHIO GOVERNOR CANDIDATES SUPPORT ARMING TEACHERS TO HELP PREVENT SCHOOL SHOOTINGS**

Both Republican candidates for Ohio governor say they support arming teachers as part of an approach to prevent further school shootings.

### **STATE EMPLOYEES WITH CLAIMS PROCESSED BY ANTHEM NOT AFFECTED BY NEW ER RULE**

State employees are not affected by a new Anthem Blue Cross Blue Shield rule that leaves some policyholders with emergency-room bills when the company determines they didn't need emergency care.

### **OHIO RECREATIONAL MARIJUANA BALLOT MEASURE MIGHT NOT HAPPEN IN 2018, BACKER SAYS**

Ohioans hoping to vote to legalize recreational marijuana this year will likely have to wait a little longer, perhaps as long as two years.

### **FACT CHECK: OHIO DEMOCRATS TAKE FRANK LAROSE'S REMARKS OUT OF CONTEXT**

The Ohio Democratic Party on Friday circulated a 13-second audio recording of Republican Frank LaRose, a candidate for secretary of state, claiming that he was bragging about a Republican plan to gerrymander states across the country, including Ohio in 2011.

### **MARY TAYLOR'S CHIEF OF STAFF HAS NEW JOB WITH OHIO'S MEDICAL MARIJUANA PROGRAM**

A longtime Kasich administration staffer has a new job advising Ohio's nascent medical marijuana program, but few details were available Friday about what he will do in the new role.

### **ROLL OF SHAME OF OHIO LAWMAKERS WHO OVERRODE GOP GOV. TAFT'S 2006 VETO, ENDING CITIES' BANS ON MASSACRE-CAPABLE WEAPONS: THOMAS SUDDER**

Some Ohioans sincerely believe the Second Amendment trumps any attempt to regulate massacre-capable guns.

### **FIRSTENERGY CAN'T BE ALLOWED TO POCKET CORPORATE-TAX-CUT WINDFALL AND SHORT CUSTOMERS: EDITORIAL**

The last time U.S. corporate tax rates were slashed, during the Reagan administration, some state utility regulators were slow off the mark in making sure investor-owned utilities didn't just pocket the profits without adjusting consumer bills, The New York Times reports.

# **THE ENQUIRER**

**THE NRA HAS A LOVE-HATE RELATIONSHIP WITH THESE OHIO REPUBLICANS  
– AND DEMOCRATS.**

The National Rifle Association has long supported Republicans around the country, and vice versa.

**THE BLADE**  
One of America's Great Newspapers

**LITIGATION PROCEEDS OVER MEDICAL MARIJUANA LICENSING**

A lawsuit that could endanger the timeline for Ohio's rollout of its fledgling medical marijuana program will forge ahead despite proposed legislation to give the state a chance to correct licensing flaws.

**From:** Max.Behlke@ncsl.org

**Sent:** Tuesday, February 27, 2018 10:31 AM

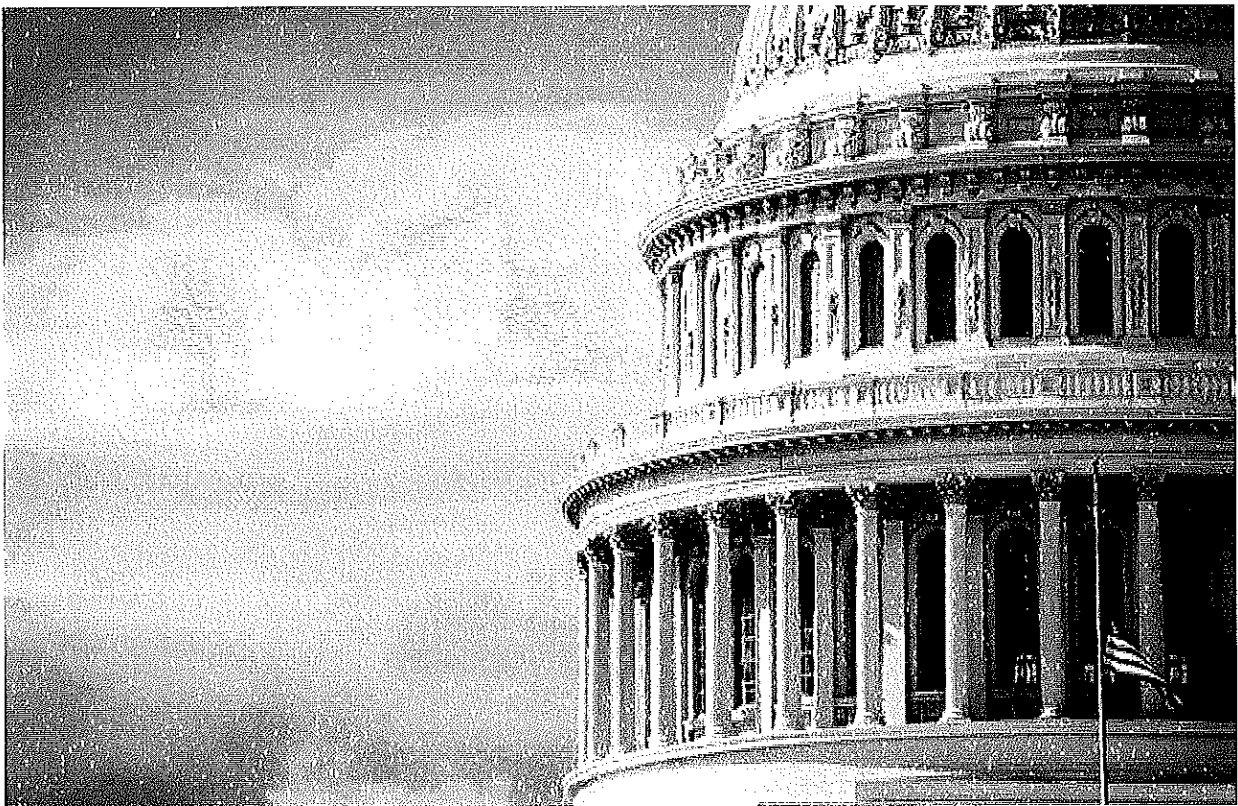
**To:** Sarko, Alyssa

**Subject:** Cap to Cap: This Week: Gun Control and Remembering the Rev. Billy Graham



## CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Feb. 27, 2018

*In This Issue:*

**This Week: Gun Control and Remembering the Rev. Billy Graham**

**US Supreme Court Hears Arguments in Union Dues Case**

**White House Meeting on School Safety**

**Supreme Court to Hear Online Sales Tax Case in April**

**DACA and Immigration Debate Stalls in Senate**

**Congressional Appropriators Race to March 23 Deadline**

**House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

**Also of Note...**

**This Week: Gun Control and Remembering the Rev. Billy Graham**

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

**US Supreme Court Hears Arguments in Union Dues Case**

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in Abood v. Detroit Board of Education, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education= 7the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case Friedrichs v. California Teachers Union. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

**NCSL Contacts:** Jon Jukuri (labor), Joan Wodiska (education)

**DYK?** Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

### **White House Meeting on School Safety**

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a [Presidential Memorandum](#) directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official [federal regulatory review](#) of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

**NCSL Contact:** [Joan Wodiska](#)

### **Supreme Court to Hear Online Sales Tax Case in April**

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit [NCSL's page](#) that summarizes the case as well as the history of remote sales tax collection issue in the states.

**NCSL Contacts:** [Max Behlke](#), [Jake Lestock](#)

### **DACA and Immigration Debate Stalls in Senate**

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

### **White House Meeting on School Safety**

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a [Presidential Memorandum](#) directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official [federal regulatory review](#) of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

**NCSL Contact:** [Joan Wodiska](#)



## Supreme Court to Hear Online Sales Tax Case in April

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit [NCSL's page](#) that summarizes the case as well as the history of remote sales tax collection issue in the states.

**NCSL Contacts:** [Max Behlke](#), [Jake Lestock](#)

## DACA and Immigration Debate Stalls in Senate

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

**DYK?** Since 1870, when Senator [Hiram Revels](#) of Mississippi and Representative [Joseph Rainey](#) of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.

## **Congressional Appropriators Race to March 23 Deadline**

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

**DYK?** On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

## **House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

**NCSL Contact:** Ethan Wilson

## **Also of Note...**

- Governors to Washington: Stop dithering on guns – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration](#) – Washington Post

President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.

- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House](#) – Washington Post

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid](#) – Fox News

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

- [Read the Democratic rebuttal to the Nunes memo, annotated](#) – Washington Post

[Read the Feb. 12, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.*



© National Conference of State Legislatures

Denver: 303-364-7700

Washington: 202-624-5400

[Unsubscribe](#) from these messages.

7700 East First Place, Denver, CO 80230

**From:** NCSL TODAY

**Sent:** Tuesday, February 27, 2018 11:17 AM

**To:** Sarko, Alyssa

**Subject:** What states are doing about gun laws in wake of Florida shooting

## Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)

NCSL Today | Manage your subscription



## **TOP NEWS** Feb. 27, 2018

### **What states are doing about gun laws in wake of Florida shooting**

*The New York Times*

It is not just in Florida, where the mass shooting at a high school is prompting lawmakers to take up gun control legislation. The same thing is happening across the country, from Washington to Vermont.

[NCSL Blog post on carrying firearms in K-12 schools.](#)

### **Supreme Court to hear online tax case April 17**

Bloomberg

The U.S. Supreme Court will soon hear a long-simmering challenge about states' taxing authority over online retailers. And states should have the high court's answer by the start of summer. **NCSL brief cited.**

[NCSL resources on remote sales tax collection.](#)

### **What the Supreme Court's ruling means for DACA and 'Dreamers'**

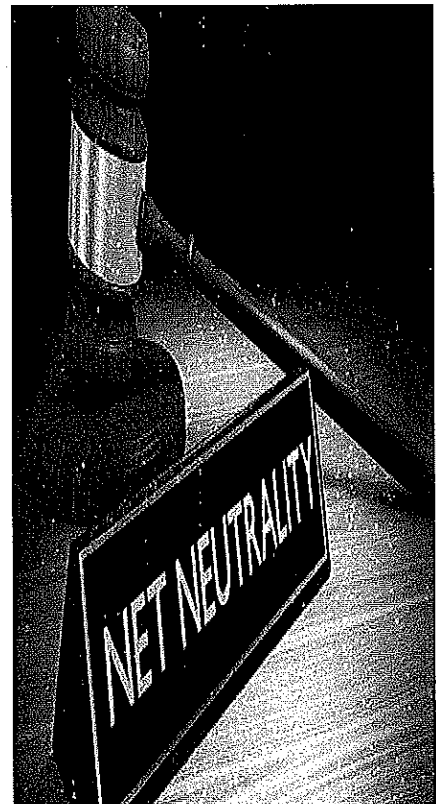
*USA TODAY*

By refusing to hear a California case, the high court ensured that DACA will survive at least through the fall, giving DACA enrollees a temporary reprieve from deportation and Congress more time to craft a permanent solution for them.

[NCSL resources on DACA.](#)

### **Iowa lawmakers move to allow health plans that skirt Obamacare rules**

*The Des Moines Register*



FEATURED

### **Net neutrality legislation in the states**

Net neutrality legislation has been introduced in over half of the states, largely in response to the Federal Communications Commission Restoring Internet Freedom Order.

NEW ON NCSL

### **2018 legislative races by state and chamber**

The Iowa Farm Bureau Federation could offer health insurance plans that don't comply with the federal Affordable Care Act under legislation advancing in the Iowa Legislature.

### **New Jersey lawmakers: Let inmates vote from prison**

*NJ.com*

State lawmakers on Monday announced legislation that would return voting rights to nearly 100,000 people locked up in prison or serving parole or probation.

[NCSL resources on felon voting rights.](#)

### **Feds provide Connecticut schools money for new students from Puerto Rico**

*CT Mirror*

Connecticut schools scrambled to accommodate the new arrivals — most of them non-English speakers — without additional resources from a cash-strapped state government.

### **Webinar March 9: Fiscal 50 - How does your state rank?**

### **Price of democracy: Splitting the bill for elections**



### **Gorsuch silent during SCOTUS union dues oral argument**

If there ever was a case where the vote of only one Justice is likely to matter it is *Janus v. American Federation of State, County and Municipal Employees*. All attention was focused on Justice Neal Gorsuch this morning as the Supreme Court held oral argument in this case. And he was...silent.



© National Conference of State Legislatures  
Denver: 303-364-7700  
Washington: 202-624-5400

[Click here](#) to unsubscribe

7700 East First Place, Denver, CO 80230



**From:** Paretti, Dominic  
**Sent:** Tuesday, February 27, 2018 5:05 PM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

**\*\*REMINDER-DEADLINE TO CO SPONSOR IS MARCH 9, 2018 at 4PM**

Dominic Paretti  
Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

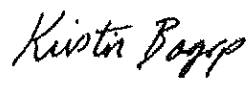
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd**  
**State Representative, Ohio House District 09**

A handwritten signature in black ink that reads "Kristin Boggs". The script is fluid and cursive, with the first name "Kristin" and last name "Boggs" clearly legible.

**Kristin Boggs**

**State Representative, Ohio House District 18**

**From:** Fedor, Teresa  
**Sent:** Tuesday, February 27, 2018 9:34 PM  
**To:** Paretti, Dominic  
**CC:** House\_All  
**Subject:** Re: Request for Co-Sponsorship – Paid Family and Medical Leave

Yes

Sent from my iPhone

On Feb 27, 2018, at 5:05 PM, Paretti, Dominic <[Dominic.Paretti@ohiohouse.gov](mailto:Dominic.Paretti@ohiohouse.gov)> wrote:

**\*\*REMINDER-DEADLINE TO CO SPONSOR IS  
MARCH 9, 2018 at 4PM**

Dominic Paretti  
Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <[House\\_All@ohiohouse.gov](mailto:House_All@ohiohouse.gov)>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave

**<image001.png>  
MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave

benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov).

<image002.jpg>

**Janine Boyd**

**State Representative, Ohio House District 09**

<image003.png>

**Kristin Boggs**

**State Representative, Ohio House District 18**

**From:** Westlake, Libby  
**Sent:** Friday, March 2, 2018 8:50 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 3/2/2018

## HOUSE E-CLIPS

3/2/2018



### **BILL WOULD REQUIRE DRIVERS TO MOVE OVER FOR GARBAGE TRUCKS**

The Ohio House will consider legislation giving garbage trucks "move-over" protections in place for emergency vehicles.

### **NEXT PHASE OPENS IN OHIO'S \$8M OPIOID TECHNOLOGY CHALLENGE**

Ohio launched the second stage of its global technology challenge Wednesday aimed at finding solutions to the U.S. opioid crisis.

### **MORE THAN 131,000 ISSUED CONCEALED CARRY LICENSES IN OHIO**

Ohio's attorney general says more than 131,000 residents were issued licenses last year to carry concealed weapons.

### **OHIO BILL WOULD ALLOW PROTECTIVE ORDERS FOR DATING VIOLENCE**

A bipartisan bill allowing victims of dating violence to seek protective orders against alleged perpetrators is on its way to Ohio Republican Gov. John Kasich.

### **KASICH PROPOSES 'RED FLAG' LAW, OTHER GUN CHANGES IN STATE**

Gov. John Kasich on Thursday advocated a "red flag" law for Ohio, a ban on armor-piercing ammunition and other gun policy positions he says represent political consensus in a bellwether state that could fly nationally.

### **2 DEMOCRATS FOR OHIO OFFICES WANT OPEN REDISTRICTING PROCESS**

Two Democrats seeking statewide office in Ohio are pitching a plan they say would guarantee Ohio's redistricting process for congressional districts is more transparent to the public.



### **FOR SCHIAVONI RUNNING MATE, DRUG CRISIS IS ALL IN THE FAMILY**

Ohio's opioid epidemic is so extensive that it's struck the families of at least two of those seeking statewide office.

### **KASICH UNVEILS 'UNANIMOUS' PROPOSALS TO CURB GUN VIOLENCE**

Saying he has to deal with the art of what's possible — what can pass the Republican-dominated General Assembly, Gov. John Kasich proposed six gun-law reforms on Thursday that he believes he can help Ohio avert some gun deaths.

#### **CRITICS SLAM MEDICAID WORK PROPOSAL**

Advocates, health-care providers and others slammed a state plan on Thursday that would require most non-disabled adults on Medicaid to work or lose their tax-funded health care.

#### **LAWMAKERS OFFER COUNTIES \$114.5 MILLION FOR VOTING MACHINES**

Counties would get nearly \$115 million in state money to replace aging voting machines in time for the 2019 election under a bill expected to pass the legislature this spring.

#### **REP. BOGGS NEEDS HELP TO QUALIFY FOR PRIMARY BALLOT**

State Rep. Kristin Boggs, D-Columbus, will need help from Republican Secretary of State Jon Husted in order to qualify to run as a write-in candidate for the May primary.

#### **MAYOR GINTHER ENDORSES CORDRAY FOR GOVERNOR**

Columbus Mayor Andrew Ginther on Thursday endorsed Richard Cordray, former Ohio attorney general and former director of the U.S. Consumer Financial Protection Bureau, in the Democratic primary for governor.

#### **EDITORIAL: WORKPLACE DRUG USE DEMANDS ATTENTION**

Drugs and workplaces don't mix. That's common sense, but now employers have more reasons to take a hard line against employee drug use.

## **Dayton Daily News**

[www.daytondailynews.com](http://www.daytondailynews.com)

#### **MORE THAN 131,000 OHIOANS GET PERMITS TO CARRY CONCEALED GUNS**

More than 131,000 Ohioans got their licenses last year to carry concealed weapons — 77,281 new ones and 54,064 renewals, according to Ohio Attorney General Mike DeWine.

## **THE PLAIN DEALER**

#### **\$114.5 MILLION PROPOSED FOR NEW OHIO VOTING MACHINES**

Ohio counties could soon get some money from the state to help replace aging voting equipment.

#### **PLANNED PARENTHOOD TO FOCUS ON OHIO RACES FOR U.S. SENATE AND GOVERNOR**

Planned Parenthood political organizations announced Thursday that they'll spend at least \$20 million in this year's elections, with a particular focus on gubernatorial and Senate races in Ohio and seven other states.

#### **OHIO GOV. JOHN KASICH PROPOSES 6 GUN POLICY CHANGES**



Tightening background checks for gun buyers and allowing "red flag" protection orders were among six gun violence policy recommendations made Thursday by a bipartisan panel assembled by Gov. John Kasich.

### **JUSTICE DEPARTMENT HASN'T DECIDED WHETHER TO PARTICIPATE IN OPIOID LITIGATION**

As U.S. Attorney General Jeff Sessions promised, the Justice Department on Thursday evening filed a "statement of interest" in the swath of lawsuits being heard in Cleveland that accuse drug manufacturers and distributors of heavily contributing to the nation's opioid epidemic.

## **THE ENQUIRER**

### **JOHN KASICH'S 'COMMONSENSE' GUN CONTROL PLAN: WOULD NEW OHIO GUN LAWS MAKE A DIFFERENCE?**

John Kasich wants to change Ohio's gun laws, touting support for "commonsense" measures from a handful of Republicans and Democrats.

## **THE BLADE**

*One of America's Great Newspapers*

### **KASICH PROPOSES GUN REFORM MEASURES**

Gov. John Kasich on Thursday unveiled a package of proposed gun law reforms to prohibit the sale of armor-piercing ammunition and third-party "strawman" sales of guns to people prohibited from having them.

### **PROPOSAL WOULD FUND NEW VOTING MACHINES**

Ohio would borrow \$114.5 million to help counties replace an aging fleet of voting machines in time by next year under a bill reworked Thursday.

### **EDITORIAL: RIGHT-TO-WORK INFRINGES ON EMPLOYERS**

Is it too much to ask for some consistency from time to time?

### **EDITORIAL: DENNIS KUCINICH LEADING ON GUN ISSUE**

Successful political campaigns sometimes catch a breeze they never counted on because of some unexpected occurrence that changes public attitudes between the time the candidates filed and the time the voters vote.

## **The Vindicator**

### **SCHIAVONI GETS THE MAHONING DEMOCRATIC ENDORSEMENT FOR GOVERNOR**

When it came to endorsing a candidate for governor, the Mahoning County Democratic Party overwhelmingly went for one of its own.

**From:** Finlay, Serena  
**Sent:** Monday, March 5, 2018 11:11 AM  
**To:** Paretti, Dominic  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave

**REMINDER-DEADLINE TO CO SPONSOR IS THIS FRIDAY AT 4PM**



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship = 6 Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption,


or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

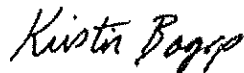
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd**  
State Representative, Ohio House District 09



**Kristin Boggs**  
State Representative, Ohio House District 18

From: Max.Behlke@ncsl.org

Sent: Monday, March 5, 2018 4:32 PM

To: Sarko, Alyssa

Subject: Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



## CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Mar. 5, 2018

*In This Issue:*

**Trump: New NAFTA Would Prevent Proposed Tariffs**

**Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today This Week on Capitol Hill**

**Roadblock to 2018 Infrastructure Bill?**

**Commerce Committees Announce Broad Telecom Package**

**Federal Reserve Chair Jerome Powell Testifies before Congress**

**Senate to Debate Bill That Exempts Small Banks from Dodd-Frank**

**Carrying Firearms in K-12 Schools**

**Court Hears Oral Argument in Janus v. AFSCME Case**

**NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case**

**Opioids Crisis Garner Further Federal Attention**

**Also of Note...**

**Trump: New NAFTA Would Prevent Proposed Tariffs**

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republican leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

### **Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today**

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

***NCSL Contacts:*** Jon Jukuri

### **This Week on Capitol Hill**

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

**DYK?** Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

### **Roadblock to 2018 Infrastructure Bill?**

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

**NCSL Contacts:** [Ben Husch](#), [Kristen Hildreth](#)

## **Commerce Committees Announce Broad Telecom Package**

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

**NCSL Contacts:** [Danielle Dean](#)

## **Federal Reserve Chair Jerome Powell Testifies before Congress**

Last week, Fed Chair Jerome Powell appeared before the House and Senate [testifying](#) on the Federal Reserve's semiannual [Monetary Policy Report](#). In his first appearance before Congress as one of the nation's top



financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. [View the full Senate testimony.](#)

During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

**NCSL Contact:** [Ethan Wilson](#)

**DYK?**

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

## **Senate to Debate Bill that Exempts Small Banks from Dodd-Frank**

Last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) filed a cloture motion on S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act, which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill. "The Senate—with the support of some Democrats—is set to start debate on a bill to roll back regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren (D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

**NCSL Contact:** Ethan Wilson

## **Carrying Firearms in K-12 Schools**

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot. NCSL Summary Carrying Firearms K-12 Schools

**NCSL Contact:** Joan Wodiska

## **Court Hears Oral Argument in *Janus v. AFSCME* Case**

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the

collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, last week he remained silent during the oral arguments.

**NCSL Contacts:** Jon Jukuri (Labor); Joan Wodiska (Education)

**DYK?** Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the Emergency Banking Relief Act, which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

### **NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case**

On March 2, NCSL, along with the national organizations that represent state and local officials, filed an amicus brief in the U.S. Supreme Court for one of the most important state tax cases in decades: *South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The amicus brief points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

**NCSL Contacts:** Max Behlke, Jake Lestock

### **Opioids Crisis Garners Further Federal Attention**

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leadership and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president hosted an opioid summit to discuss the administration's efforts to confront the opioid crisis.

**NCSL Contacts:** Haley Nicholson (Health); Susan Frederick (Criminal Justice); Joan Wodiska (Education)

## Also of Note...

- **This Democrat Is Running for Congress—but Not Against Trump** – [The Atlantic](#)
  - **Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs** - [Washington Post](#)
- **Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country** – [The Wall Street Journal](#)
- **Mueller subpoenas witness for documents tied to Trump, campaign associates: report** – [The Hill](#)

[Read the Feb. 26, 2018 Capitol-to-Capitol.](#)

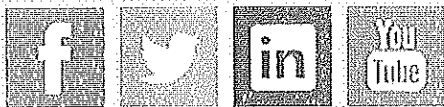
Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey](#)!

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.*



© National Conference of State Legislatures  
Denver: 303-364-7700  
Washington: 202-624-5400

[Unsubscribe](#) from these messages.

7700 East First Place, Denver, CO 80230

**From:** report@hannah.com  
**Sent:** Tuesday, March 6, 2018 10:37 PM  
**To:** DL\_Hannah  
**Subject:** Hannah News Stories for Tuesday, March 6, 2018

**Tuesday, March 6, 2018**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

**Today's Stories**

- [Kasich Delivers Final 'State of State' Address, Points to Finish Line 'Far in Future'](#)
- [Democrats Call Kasich Speech 'Nice,' Say It Is Missing Action](#)
- [Lawmakers Should Continue on Current Track, GOP Leaders Say](#)
- [ODPS Director Challenges Human Trafficking Task Force to Be Involved in Next Administration](#)
- [Tax Amnesty Program to Yield Less than Expected, Testa Says](#)
- [Panel Discusses Pros, Cons of Textbook Alternatives](#)
- [Natural Gas Producers Waiting on Infrastructure, ODNR Says](#)
- [February Revenues Lag Estimates; Year-to-Date Revenues Remain in Black](#)
- [Capital Budget Heads to House Floor](#)
- [Haque Opens Third Installment of PowerForward](#)
- [Judge Won't Freeze Municipal Tax Law amid Legal Challenge](#)
- [Ohio, Trump Administration Urge U.S. High Court to Overturn Precedent on Online Sales Tax](#)
- [BWC Expands Grant Program for Firefighter Safety](#)
- [Buckeye Institute IDs 'Worst' Capital Budget Requests, \\$85M in 'Pork'](#)
- [Supreme Court Accepts Jurisdiction in Fatal Police Shooting](#)
- [State Government Roundup: BWC Safety Congress, Symposium](#)
- [Campaign Corner: Endorsements](#)
- [Judicial Actions: Opinion](#)
- [Executive Actions: Appointment](#)
- [Legislative Schedule Changes](#)

**House Committee Reports**

- [Agriculture and Rural Development](#)
- [Finance](#)
- [Rules and Reference](#)
- [Ways and Means](#)

**Senate Committee Reports**

- [Finance](#)

- Public Utilities
- Rules and Reference Committee

© 2018 Hannah News Service, Inc., Columbus, Ohio. Unauthorized redistribution or reproduction prohibited.

Hannah News Service, Inc. | 21 W. Broad Street, Suite 1000, Columbus, Ohio 43215 | 614.227.5820 | [www.hannah.com](http://www.hannah.com)

**From:** Lundregan, Scott  
**Sent:** Wednesday, March 7, 2018 11:08 AM  
**To:** Miner, Bryce  
**CC:** Kerns, Emily; Sarko, Alyssa; Clegg, Brennan  
**Subject:** Caucus Today  
**Attachments:** Bill Briefing (HB 194 - Johnson Craig).pdf; HB 345 Bill Briefing.docx; HB 87 (Roegner) 3-6-18.pdf; HB 366 Bill Briefing.docx; HB 453 (Greenspan) 3-6-18.pdf; HB 438 Bill Brief.docx; HB 347 Bill Briefing.docx; Caucus Agenda -- 3.7.18 MM SL.pdf

**Scott Lundregan**  
Deputy Chief of Staff / Policy Director / Deputy Legal Counsel  
House Republican Caucus  
Ohio House of Representatives  
614-466-1460



Updated March 5, 2018

### **H.B. 194 (JOHNSON, CRAIG)**

Establish special license plates for military service and awards

**House Co-Sponsors:** Anielski, Arndt, Boccieri, Butler, Dean, Dever, Ginter, Gonzales, Keller, Landis, Riedel, Ryan, Stein, Strahorn, Thompson, Wiggam, Green, Greenspan, Sheehy, DeVitis, Householder, Howse, Hughes, Lepore-Hagan, Manning, Reece, West, Antonio, Barnes, Boyd, Brenner, Brown, Clyde, Cupp, Duffey, Edwards, Fedor, Galonski, Gavarone, Hagan, Hambley, Hill, Holmes, Ingram, Kent, Kick, Lanese, Lang, LaTourette, Leland, McColley, Miller, O'Brien, Patmon, Patton, Ramos, Reineke, Retherford, Rogers, Romanchuck, Schaffer, Slaby, Smith, K., Sprague, Sweeney, Young

**Senate Co-Sponsors:** Uecker, Terhar, Wilson, Hackett, Bacon, Balderson, Beagle, Brown, Burke, Coley, Dolan, Eklund, Gardner, Hoagland, Hottinger, Huffman, Kunze, LaRose, Obhof, O'Brien, Oelslager, Peterson, Skindell, Sykes, Tavares, Thomas, Williams

#### **Bill History**

- 5/1/17 – Introduced
- 5/24/17 – Reported by House Transportation and Public Safety Committee (2 Hearings), (15-0)
- 10/24/17—House passed (94-0)
- 2/28/18—Reported substitute by Senate Local Government, Public Safety, and Veterans Affairs (4 hearings), (9-0)
- 2/28/18—Senate passed (32-0)
- Pending House concurrence on Senate substitute bill.

#### **Stakeholders**

<b>Proponent</b>	<b>Opponent</b>	<b>Interested Party</b>
<ul style="list-style-type: none"><li>• Malcolm Glasgow (American Legion, Department of Ohio)</li><li>• Don McCauley (AMVETS, Department of Ohio)</li></ul>		

#### **Key Provisions**

- Requires the Director of Veterans Services and the Registrar of Motor Vehicles to develop and maintain a program to establish and issue nonstandard license plates recognizing military service and military honors.
- Requires the Director and Registrar to adopt rules to establish the program, including eligibility criteria, guidelines for the designs, and the necessary documentation for the military nonstandard license plates.
- Repeals the statutes governing most of the current military nonstandard license plates, but requires all of those license plates to be reestablished under the program.
- Requires the Registrar to continue issuing the repealed license plates until the rules establishing the program are adopted.
- Requires the Registrar to create the "Inherent Resolve Campaign Medal," the "Army Distinguished Service Cross," the "Navy Cross," the "Air Force Cross," and the "Coast Guard Cross" license plates in accordance with the rules adopted under the bill.

*Updated March 5, 2018*

- Modifies the membership of the Board of Directors of the nonprofit corporation organized to operate the Veterans Memorial and Museum, including eliminating the requirement that a majority of appointees be veterans of the armed forces of the United States.
- Establishes the National Veterans Advisory Committee.

**Additional Information**

- **Amendments adopted by Senate Local Government, Public Safety, and Veteran Affairs**
  - Retains the "Purple Heart" license plate in codified law because it is associated with an exemption from registration fees.
  - Removes the "Ohio National Guard Ohio Cross Medal Recipient" license plate from codified law and requires the Registrar of Motor Vehicles to re-establish the license plate through the military nonstandard license plate program created by the bill.
  - Requires the Registrar to establish, under the rules of the program, the "Army Distinguished Service Cross," the "Navy Cross," the "Air Force Cross," and the "Coast Guard Cross" license plates.
  - Modifies the membership of the Board of Directors of the nonprofit corporation organized to operate the Veterans Memorial and Museum, including eliminating the requirement that a majority of appointees be veterans of the armed forces of the United States.
  - Establishes the National Veterans Advisory Committee.
- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

## H.B. 345 (BUTLER) Award prizes for curing diseases

**House Co-Sponsors:** Kennedy-Kent

### Bill History

- 2/14/2018 – House Health Committee (4 Hearings), (12-3) (*Antani, Huffman, Kick*)
- 3/7/2018 – House Floor Vote (*pending*)

### Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> <li>• Cathy Schwandt (Pancreatic Cancer Action Network)</li> <li>• Dr. David A. Westbrook</li> <li>• Rosanne M. Woo-Haltresht</li> <li>• Jami S. Oliver</li> <li>• Josh Archambault (Foundation for Government Accountability)</li> <li>• Mike Gonidakis (Ohio Right to Life)</li> <li>• Barbara C. Mills (The Gala of Hope Foundation)</li> <li>• Jeff Bartone (Hock's Pharmacies)</li> <li>• Antonio Ciaccia (Ohio Pharmacists Association)</li> <li>• Dr. Kristine M. Severyn</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Kristina Moorhead (Pharmaceutical Research and Manufacturers of Americ)</li> <li>• Richard Masters</li> <li>• Greg Lawson (The Buckeye Institute)</li> </ul>

### Key Provisions

- Enacts into law the Solemn Covenant of the States ("Compact"), an interstate compact intended to award prizes for curing diseases.
- Provides that the Compact becomes effective and binding upon enactment into law by two states.
- Provides that upon enactment by six states, the governing Solemn Covenant of States Commission ("Commission") is established and the Compact becomes binding and effective as to any other state that enacts it into law.
- Grants the Commission the power to review treatments for the cure of diseases specified by the Commission, to award prizes for successful cures, and to make treatments widely available for use.

- Requires the Commission to establish criteria for defining and classifying diseases for which prizes will be awarded, which must include at least ten major diseases, determined by its severity, survival rate, and public health and treatment expenses.
- Requires the Commission to adopt criteria for a successful treatment, which must include a 95% survival rate through at least five years after treatment has ended, and no more than one year of treatment.
- Requires the list of diseases to be updated every three years.
- Requires the five-year public health expenses for each disease in each compacting state to be published and updated every three years.
- Requires the prize amount for each cure to be equal to (1) the most recent estimated total five-year savings in public health expenses for the disease in all compacting states, (2) money donated by others intended for the prize, and (3) any other factors the Commission finds appropriate.
- Requires an opportunity for rejected cure submissions to be appealed not later than 30 days after rejection.
- Requires the Commission to continue to monitor and review a treatment even after it has been accepted.
- Allows the Commission to modify or withdrawal approval of a treatment, or to rescind a prize offer, for not meeting cure criteria.
- Requires a two-thirds favorable vote from all members for a cure approval to be effective.
- Requires the prize winner to transfer the patent and all related intellectual property for a treatment to the Commission in exchange for the prize.
- Requires the Commission, upon acceptance of a cure, to obtain a loan that is equal to the most recently calculated total estimated five-year public health expenses for the disease in all compacting states.
- Requires each compacting state to annually pay its actual one-year savings in public health expenses for the disease for which a cure has been accepted, until it has fulfilled its prize responsibility.
- Allows a state to meet its prize responsibility by any method including the issuance of (1) revenue bonds and obligations or (2) general obligation bonds and other debt.
- Declares that revenue bonds and obligations are not a debt of the issuing state.
- Provides that a state entering into the Compact, except to the extent authorized by the compacting state's laws, does not (1) commit the full faith and credit or taxing power of the compacting state for the payment of prizes or (2) make prize payment responsibilities a debt of the compacting state.
- Grants the Commission the power to make a treatment widely available, including arranging for its manufacture, production, or provision of the treatment.
- Allows the Commission to collect royalty fees on manufacturers, producers, or providers in noncompacting states or foreign countries, as long as the fees are not more than the estimated five-year savings in public health expenses for that state or country.
- Allows the Commission to pay or reimburse expenses related to payment of the prize with royalty fees collected, which include hiring actuaries and making interest payments.
- Establishes several powers of the Commission, including the ability to adopt bylaws and rules, make hiring decisions, manage property, enforce compliance by compacting states, make amendments to the Compact, and more.

- Requires the Commission to establish bylaws providing for various administrative procedures, including voting, appointing and electing members, committees, election of officers, personnel policies, and more.
- Allows any state, district, or territory of the United States and the federal government to become a compacting state.
- Allows foreign countries or its subdivisions to join as nonvoting liaison members.
- Provides that each compacting state is represented by one member, with each state determining its member's qualifications and period of service.
- Requires each compacting state to pay annual dues.
- Provides that compacting states have no claim to property held by the Commission.
- Requires the Commission to have meetings and take actions consistent with the Compact, with a majority of members constituting a quorum.
- Provides that each member has the right to cast one vote regarding then Commission's actions or matters, and to participate in the business and affairs of the Commission.
- Allows members to vote in person or by other means, which may include telephone.
- Requires the Commission to meet at least once per year, with additional meetings to be held pursuant to the bylaws.
- Requires the bylaws to provide a list of matters about which the Commission may enter into executive session.
- Grants the Commission the power to establish a budget and make expenditures, borrow money, establish annual dues, and allocate a portion of these funds towards prize amounts.
- Allows the Commission to accept contributions to fund initial operations, as long as the independence of the Commission's performance is not compromised.
- Grants the Commission the power to accept donations, as long as it avoids the appearance of impropriety.
- Requires donations to be kept in a separate, interest-bearing account.
- Exempts the Commission from taxation in and by the compacting states.
- Provides for the Commission to undergo an annual financial audit and a management and performance audit at least every three years.
- Grants the Commission the power to appoint committees, including management, legislative, and advisory committees, which may include members, state legislators (or their representatives), medical professionals, and other interested persons.
- Provides that the management committee may consist of no more than 14 members when 26 states enact the Compact, and must consist of members representing states whose total public health expenses of all the established diseases are the highest.
- Requires the management committee to exercise various managerial responsibilities, including managing day-to-day affairs, overseeing the Commission's offices, and coordinating with other governmental entities.
- Requires the Commission to annually elect officers for the management committee, and allows the committee to hire an executive director to administer committee operations and to serve as the Commission's secretary.
- Grants the Commission the ability to appoint advisory committees to monitor all operations related to the Compact's purposes and to make recommendations to the Commission.

- Requires the Commission to consult with an advisory committee before approving cure criteria, changing the bylaws or rules, adopting an annual budget, or addressing any other significant matter.
- Requires the Commission to notify any compacting state of any noncompliance of Compact bylaws and rules.
- Provides that any state that fails to fix its noncompliance will be deemed in default, which triggers notice and hearing.
- Provides that if the Commission determines that the state is in default, after the hearing, the state would be suspended from the Compact.
- Provides that if a compacting state fails to cure the default within a specified amount of time, the state would be expelled from the Compact.
- Allows compacting state to withdraw from the Compact by: (1) repealing the enabling law, and (2) notifying the Commission in writing of the intent to withdraw on a date that is (a) at least three years after the date the notice is sent, and (b) after the repeal takes effect.
- Provides that a withdrawing state remains liable for all responsibilities incurred through the effective date of the withdrawal.
- Allows reinstatement by a withdrawing state by re-enacting legislation for the Compact.
- Provides that the Compact dissolves on the effective date the (1) withdrawal or expulsion of a compacting state, which action reduces Compact membership to one state, or (2) Commission votes to dissolve the Compact.
- Requires the Commission, through its bylaws, to adopt a mechanism for winding up Compact operations and provide for equitable distribution of surplus funds remaining after payment of debts and obligations.
- Requires the Commission to prescribe bylaws and rules regarding records, including public inspection and copying of information, procedures for sharing records otherwise exempt from disclosure, and guidelines for entering into agreements with federal and state agencies to receive or exchange records subject to nondisclosure.
- Requires the Commission to keep, in accordance with its bylaws and rules, complete and accurate accounts of its internal receipts, including grants and donations, and disbursement of all funds.
- Provides that any compacting state's laws regarding confidentiality and nondisclosure do not relieve any member of its duty to disclose records relevant to the Commission (with an exception for privileged records).
- Provides that confidential information that the Commission holds remains confidential after it is provided to any member and that all cure submissions are confidential.
- Requires the Commission to make an annual report to the governors and legislatures of the compacting states, which report must include a report of the independent audit.
- Grants the Commission the power to bring and prosecute legal proceedings in its name, and to issue subpoenas.
- Grants the Commission the power to provide for dispute resolution among compacting states or between the Commission and those who submit cures for consideration.
- Requires as part of its dispute resolution proceedings, administrative review by a review panel, judicial review of decisions issued after an administrative review, qualifications to be appointed to a panel, and due process requirements.

- Provides that the venue for any judicial proceedings by or against the Commission must be brought in the court of competent jurisdiction for the geographical area in which the Commission's principle offices are located.
- Provides for the following regarding the Commission's members and staff for claims arising out of actual or alleged actions occurring within the scope of that person's official duties, as long as claims are not caused by intentional or willful and wanton misconduct:
  - They are immune from liability;
  - That the Commission must defend them in any civil action arising out of such actions;
  - That the Commission will indemnify them and hold them harmless for the amount of any settlement or judgment obtained against that person.
- Provides that the Commission may propose any amendment to the Compact and that no amendment will become effective until all compacting states have enacted it into law.
- Provides that the Compact's provisions are severable and that they must be liberally construed to effectuate its purpose.
- Specifies that nothing in the Compact's provisions prevents the enforcement of any other law of a compacting state, provided that all agreements between the Commission and compacting states and all lawful actions by the Commission are binding.
- Allows the Commission to issue advisory opinions in a dispute over the meaning or interpretation of Commission actions, upon the request of a party and a majority vote of compacting states.
- Provides that if any provision of the Compact is unconstitutional in any compacting state, that provision becomes ineffective for that state

**Additional Information**

- **Policy Advisor:** Steven Alexander, 740-804-3213,  
[steven.alexander@ohiohouse.gov](mailto:steven.alexander@ohiohouse.gov)

Updated March 6, 2018

**AM. H.B. 87 (ROEGNER)**

Address money returned to state from community school audit

**House Co-Sponsors:** Becker, Blessing, Butler, Dean, DeVitis, Dever, Duffey, Fedor, Hambley, Henne, Hill, Keller, Leland, Patterson, Patmon, Rezabek, Riedel, Schaffer, Slaby, Smith, K., Smith, R., Stein, Thompson, Vitale, Young, Faber

---

**Bill History**

- 1/25/18 – Government Accountability & Oversight Committee (6 Hearings), (11-0)
- 3/7/18 – House Floor vote scheduled

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Matthew Dotson – Ohio Education Association (OEA)</li><li>• Dave Yost – Auditor of State</li><li>• Rhona Corr – Dayton Public Schools Superintendent</li><li>• Mark Curtis – Twinsburg City Schools Board of Education</li></ul>		<ul style="list-style-type: none"><li>• Dr. Richard Varrati – Quaker Digital Academy</li><li>• John Lutz – Newark Digital Academy Director</li><li>• Rosemary Rooker – Findlay Digital Academy</li></ul>

**Key Provisions**

- Provides the Department of Education with specific guidance on distributing funds returned to the state from a community school as the result of a finding for recovery from the Auditor of State.
- If the funds are returned because of an audit of a community school's enrollment records, requires the Department to credit the funds to certain public school district's state education aid.

**Additional Information**

- **Policy Advisor:** Lisa Griffin, 937-554-6372, [lisa.griffin@ohiohouse.gov](mailto:lisa.griffin@ohiohouse.gov)